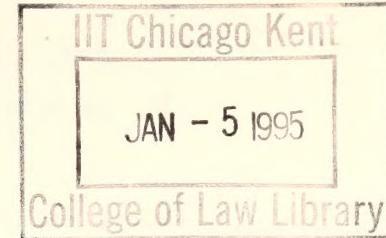


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1994

Illinois Register

Rules of Governmental Agencies

Volume 18, Issue 52— Dec. 30, 1994

Pages 18153-18434

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State

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DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
 2) Code Citation: 89 Ill. Adm. Code 240
 3) Section Numbers:
Proposed Action:

- 240.810
 240.825
 4) Statutory Authority:
 20 ILCS 105/4.01 (4), (9), (11) and (12);
 4.02; 4.03; and 5.02

5) A Complete Description of the Subjects and Issues Involved:

The purpose of this rulemaking is to implement the spousal impoverishment provisions of Public Act 87-470 to the Community Care Program clients, signed into law by the Governor on September 15, 1991, which requires the Department on Aging to "...seek appropriate amendments under Section 1915 and 1024 of the Social Security Act...to extend eligibility for home and community based services under (the Medicaid waiver) to persons who transfer to or for the benefit of a spouse those amounts of income and resources allowed under Section 1924 of the Social Security Act."

These amendments shall serve as a vehicle for allowing married spouses to remain together in their own home. Without this programmatic change, should one spouse become in need of long term care services, in order to maintain an adequate estate and monthly available income, the only choices available to the couple would be limited to:

- 1) admitting the spouse needing services to an institutional setting in order to qualify for Medicaid and allow the spouse remaining in the community to have income and assets diverted for his/her benefit; or,
- 2) utilizing available resources to pay for necessary services to allow the spouse needing service to remain in the home, thus risking eventually reducing their estate to an allowable community welfare level.

The incorporation of these provisions into the Community Care Program will benefit both applicants/clients and their families by allowing them to utilize the lower cost home and community based services to meet their needs rather than compelling them to be otherwise inappropriately institutionalized.

- 6) Will this proposed rule replace an emergency rule currently in effect?

- No
 7) Does this rulemaking contain an automatic repeal date? No
 Does this rulemaking contain an automatic repeal date? No

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? Yes
 9) Are there any proposed amendments pending on this Part? No
 10) Statement of Statewide Policy Objectives: N/A

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the Illinois Register, to:

Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, Illinois 62701-1789
 Attention: Spousal Impoverishment

In addition, the Department will accept oral and written testimony on the proposed amendments at 2 PUBLIC HEARINGS which will be held on the following dates at the location and time specified:

- Date: January 25, 1995 (Wednesday)
 Location: State of Illinois Center
 160 North LaSalle Street
 Room C-500 - 5th Floor
 Chicago, Illinois
 Time: 1:30 pm to 3:30 pm
- Date: January 31, 1995 (Tuesday)
 Location: Room 161 (Auditorium)
 Michael J. Howlett Building
 2nd and Edwards Streets
 Springfield, Illinois
 1:30 pm to 3:30 pm

The rule amendments will have an impact on small businesses. In accordance with Sections 100-1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 100-1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

If special accommodations/provisions are required, such as a hearing interpreter, please contact the Senior Helpline at 1-800-252-8966 (voice and TDD), no later than January 11, 1995.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected:

Case Coordination Units

B) Reporting, bookkeeping or other procedures required for compliance:

Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program. However, there will be additional training of Case Coordination Unit supervisors and case managers with respect to assessment criteria and application of the Determination of Need.

C) Types of professional skills necessary for compliance:

Professional skills commensurate with the Community Care Program.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER II: DEPARTMENT ON AGING

PART 240

COMMUNITY CARE PROGRAM

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	240.160 Definitions

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	Adult Day Care Service
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	Demonstration/Research Projects
	Case Management Service
	Alternative Provider
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DEPARTMENT ON AGING

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		240.1620	Content of Provider Proposal and Guidelines
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		240.1630	Evaluation of Provider Proposals
		240.1635	Determination and Notification of Provider Awards
		240.1640	Objection to Procurement Action Determination
		240.1645	Classification of Provider Service Violations
		240.1650	Method of Identification of Provider Service Violations
		240.1655	Compliance Reviews of Contracted Provider Agencies
		240.1660	Provider Right to Appeal
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240.1320	Vendor or Case Coordination Unit Fraud/Illlegal or Criminal Acts	240.1720	Case Coordination Unit Compliance Review
240.1330	General Vendor and CCU Responsibilities (Repealed)		
240.1396	Payment For Services (Repealed)		
240.1397	Purchases and Contracts (Repealed)		
240.1398	Safeguarding Case Information (Repealed)		
240.1399	Suspension/Termination of a Vendor or Case Coordination Unit (CCU)		

SUBPART N: CASE COORDINATION UNITS

Section 240.1400	Community Care Program Case Management Minimum Standards	240.1730	Community Care Program (CCP) Advisory Committee (Repealed)
240.1410	Case Coordination Unit Administrative Minimum Standards		
240.1420	Case Coordination Unit Responsibilities		
240.1430	Case Management Staff Positions, Qualifications and Responsibilities		
240.1440	Training Requirements For Case Management Supervisors and Case Managers		

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240.1520	Provider Responsibilities	240.1920	Contract Specific Variations
240.1530	General Homemaker Staffing Requirements	240.1930	Fixed Unit Rate of Reimbursement for Homemaker Service
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240.1540			

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SUBPART R: ADVISORY COMMITTEE

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240.1830	Technical Rate Review Advisory Committee (Repealed)		

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240.1920			
240.1930			
240.1940			

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

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Unallowable Costs for Homemaker Service

Minimum Direct Service Worker Costs for Homemaker Service

Section 240.2030 Cost Categories for Homemaker Service

Section 240.2040

Section 240.2050

Section 240.2050

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 1119, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17227, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 10251, effective July 1, 1991, for a maximum of 150 day; amended at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments at 16 Ill. Reg. 2620, effective February 1, 1992; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992; emergency amendments at 16 Ill. Reg. 2943; emergency amendments at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992;

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NOTICE OF PROPOSED AMENDMENTS

amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. _____, effective _____,

SUBPART H: FINANCIAL REQUIREMENTS

Section 240.810 Assets

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- determination/redetermination of eligibility for the Community Care program (CCP).
 b) The First \$25.00 of a-client's earned or unearned income (other than Supplemental Security Income (SSI) or contributions from a spouse or other individual) is exempt from consideration in determining the monthly expense for care to be assessed in accordance with Section 240.855 of this Part
efficiency. A client is eligible for only one \$25.00 exemption regardless of the types or sources of earned or unearned income. This exemption applies to:
 1) an unmarried applicant/client; and
 2) a married applicant/client whose spouse is receiving CCP services.
 c) In accordance with provisions of 89 Ill. Adm. Code 120.61, an applicant/client whose spouse (i.e., community spouse) is not receiving CCP services, may divert income to his/her spouse so that the spouse may have exempt income up to the amount exempted by the Illinois Department of Public Aid, at 89 Ill. Adm. Code 120.379(e), for a community spouse. This income shall be exempt in determining the monthly expense for care to be assessed the CCP applicant/client.
 d) Except for income exempted in accordance with subsection (a) above, all income diverted in accordance with provisions of 89 Ill. Adm. Code 120.61 from a spouse who resides in a long term care facility to a CCP applicant/client shall be considered in determining the monthly expense for the care to be assessed the CCP applicant/client.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Client Service Planning
 2) Code Citation: 89 Ill. Adm. Code 305
 3) Section Numbers: Proposed Action:
 305.80
 Amendment
 4) Statutory Authority: Section 4 of the Children and Family Services Act [20 ILCS 505/4].
 5) A Complete Description of the Subjects and Issues Involved: Due to organizational changes within the Department, decision reviews will no longer be routed through the Bureau of Quality Assurance. All decision reviews will now be sent directly to the Administrative Hearings Unit.
 6) Will this proposed amendment replace an emergency rule currently in effect? No
 7) Does this rulemaking contain an automatic repeal date? No
 8) Does this proposed amendment contain incorporations by reference? No
 9) Are there any other amendments pending on this Part? No
 10) Statement of Statewide Policy Objectives This amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking"

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
 Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe
 Springfield, Illinois 62701-1498
 217/524-1983
 TDD 217/524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings are scheduled on these proposed amendments. Persons who need translation or interpretation services to enable their commentary should request

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

assistance by contacting the Office of Rules and Procedures.

- 12) **Initial Regulatory Flexibility Analysis:** The Department has determined that the proposed amendment does not have an effect on small businesses.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 305**CLIENT SERVICE PLANNING**

Section	
305.10	Purpose
305.20	Definitions
305.30	Introduction to Client Service Planning
305.40	Types of Permanency Goals and Alternative Permanency Options
305.50	Service Plan
305.60	Case Review System
305.70	Roles and Responsibilities of the Administrative Case Reviewer
305.80	Decision Review
305.90	Parent-Child Visitation
305.100	Evaluating Whether Children in Placement Should Be Returned Home
305.110	Termination of Parental Rights
305.120	Planning for the Termination of Services
305.130	The Department's Role in the Juvenile Court
305.140	Compliance With the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5005) [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1991, ch. 23, par. 2057.1) [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 U.S.C. 675 (1991)), Section 801-1 of the Juvenile Court Act (Ill. Rev. Stat. 1991, ch. 37, par. 801.1) [705 ILCS 405/1-1], and Section 1 of the Adoption Act (Ill. Rev. Stat. 1991, ch. 40, par. 1501 et seq.) [750 ILCS 50/1].

SOURCE: Adopted and codified at 5 Ill. Reg. 14456, effective December 29, 1981; amended at 8 Ill. Reg. 21570, effective November 1, 1984; amended at 9 Ill. Reg. 7920, effective May 31, 1985; recodified at 16 Ill. Reg. 12772; amended at 16 Ill. Reg. 16552, effective October 19, 1992; amended at 18 Ill. Reg. 17200, effective December 1, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 305.80 Decision Review

- a) When a service provider, including foster parents or relative caretakers, or the child's caseworker with supervisory approval, disagrees with any portion of the service plan, including any amendments made by the administrative case reviewer, the provider will be entitled to a review of the issue.
- b) Requests for a review shall be directed, within 5 working days after the administrative case review, to the Bureau-of-Quality Assurance Administrator of the Administrative Hearings Unit.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- c) A decision review conference shall be held within 10 working days after the receipt of the request. A final decision will be made by the ~~Deputy Director-Bureau-of-Quality-Assurance~~ Person appointed by the Director of the Department or designee, within 10 working days after the conference.
- d) Except when an issue affects compliance with a court order or the residual rights of parents, implementation will be stayed until the decision review conference is held. The residual rights of parents as defined is Section ~~805/3~~ 1-3 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, Section 801-3) [705 ILCS 405/1-3] include the rights to visitation, to consent to adoption and to determine the minor's religious affiliation.
- e) If changes to the service plan are required by the decision review, copies of the changes will be sent to all those who are entitled to a copy of the service plan with a notice of the specific changes made, the reason for the changes and a statement of the right to appeal any such changes.
- f) When children and/or parents disagree with any portion of the service plan, they may request a hearing in accordance with 89 Ill. Adm. Code 337, Service Appeal Process.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3) Section Numbers:
- | | |
|---------|-----------|
| 337.30 | Amendment |
| 337.70 | Amendment |
| 337.100 | Amendment |
| 337.210 | Amendment |
| 337.230 | Amendment |
- 4) Statutory Authority: Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].
- 5) A Complete Description of the Subjects and Issues Involved: Due to organizational changes within the Department, service appeals will no longer be routed through the Bureau of Quality Assurance. All service appeals will now be sent directly to the Administrative Hearings Unit. In addition, the address of the Administrative Hearings Unit has changed.
- 6) Will this proposed amendment replace an emergency rule currently in effect? _____
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this Proposed Rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
217/524-1983
TDD 217/524-3715

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. No public hearings are scheduled on these proposed amendments. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendment does not have an effect on small businesses.

The full text of the proposed amendment begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 337
SERVICE APPEAL PROCESS

Section	Purpose
337.10	Definitions
337.20	The Service Appeal Process
337.30	Department and Provider Agency Responsibilities on Appealable Issues
337.40	The Right to a Service Appeal
337.50	Who May Appeal
337.60	What May BeAppealed
337.70	What May Not BeAppealed
337.80	Notices of Department or Provider Agency Decisions
337.90	How to Request a Service Appeal
337.100	Grounds for Dismissal of a Service Appeal Process
337.110	Time Frames for the Service Appeal Process
337.120	Continuing Services During the Service Appeal Process
337.130	Confidentiality During the Service Appeal Process
337.140	Notice Concerning a Service Appeal
337.150	Abandonment of a Service Appeal
337.160	Fair Hearing Appeal Rights
337.170	The Administrative Law Judge
337.180	Record of a Fair Hearing
337.190	Continuances Requested in a Combined Hearing
337.200	Combined Hearings
337.210	The Final Administrative Decision
337.220	Who Receives a Copy of the Final Administrative Decision
337.230	Notice of the Availability of Judicial Review
337.240	Severability of This Part
337.250	

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, pars. 5004 and 5005) [20 ILCS 504/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. _____, effective _____)

Section 337.30 The Service Appeal Process

The service appeal process for the Department of Children and Family Services consists of a mediation, which is optional, and a fair hearing. Initiation of a service appeal does not preclude ongoing discussion between the parties to resolve the appealed issues. If mediation resolves the issues, an agreement is drawn up with the assistance of the mediator and signed by the parties. In some instances the issue on appeal is too immediate to await the final

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Administrative decision on the action. An emergency review may be held in lieu of mediation on the specific issues, and an interim decision will be issued by the reviewer pending the fair hearing and final administrative decision.

a) Mediation

- 1) The Department shall offer mediation to an appellant within 30 calendar days from the date of appeal in an attempt to resolve his or her issues. The appellant may accept or reject an offer to participate in mediation. No issues addressed and determined by an emergency review may be addressed in mediation. If mediation is successful, an agreement is drawn up, with assistance by the mediator, and signed by the parties. This constitutes a resolution of the fair hearing, but the appellant may reinstate the request for hearing if the agreement is violated.
- 2) If the dispute is not resolved in mediation, or if the appellant rejects the mediation agreement and the Department receives written notice of this rejection at least 15 calendar days after the mediation session, the appellant may then proceed to the fair hearing.

- 3) The individual conducting the mediation shall be trained as a mediator and shall have no prior involvement in the case.
- 4) Any party participating in mediation shall be prohibited from subpoenaing the mediator or documents developed during the mediation process in any subsequent proceeding.

b) Emergency Review

An emergency review allows for an interim decision pending a fair hearing, and can be requested by a party. The request for an emergency review must be in writing and shall be submitted to the Bureau--Quality-Assurance--Department-of-Children-and-Family-Services--Suite 6-20007-100-West-Randolph Administrative Hearings Unit, Department of Children and Family Services, 160 North LaSalle, 6th Floor, Chicago, Illinois 60601. The emergency review must be requested within ten calendar days of the date of an appeal. A determination will be made whether the issues are appropriate for emergency review. If they are appropriate, the Department shall schedule an emergency review and the reviewer shall issue a decision, which shall include any corrective orders, within ten calendar days from the date of the request for emergency review. The Department shall implement the order within five calendar days from the date the decision was issued by the reviewer. An emergency review is held to consider only the following issues on appeal:

1) Lack of Timely Notice Due to Imminent Risk of Harm

A party may request an emergency review within ten calendar days of the date of appeal on any issue where the Department or provider agency has taken action without timely notice because the child was determined to be at imminent risk of harm. The reviewer shall consider only whether imminent risk of harm existed to justify the Department or provider agency action without timely notice. If the reviewer determines imminent risk

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- of harm did not exist, the reviewer shall order corrective action.
- 2) Continuing Services Pertaining to Changes in Family Visitation and Placement During the Service Appeal

Where services pertaining to the family visitation plan and changes in placement remain unchanged because an appeal has been requested within ten calendar days of the date of notice, a party may request an emergency review, if that party has reasonable cause to believe that imminent risk of harm to the child will result if services remain unchanged during the appeal process. The only issue to be considered by the reviewer is whether imminent risk of harm to the child is likely to result from the stay of action. If the reviewer determines imminent risk of harm to the child is likely to result, the reviewer may order corrective action.

c) Fair Hearing

At a fair hearing, the administrative law judge conducts a hearing in which the Department and all parties may present evidence supporting their position. The administrative law judge then makes a recommendation to the Director of the Department based on the evidence presented at the hearing. The burden of proof shall be on the Department to show by a preponderance of the evidence that the decision made was in the best interests of the child, in accordance with professional social work standards and Department administrative rules.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 337.70 What May BeAppealed

a) By Families and Children

Families and children may appeal the following issues:

- 1) the denial, in whole or in part, of child welfare or day care services in accordance with 89 Ill. Adm. Code 303, Access to and Eligibility for Day Care Services, requested by Families, children, or an individual legally appointed to represent a minor, incompetent or incapacitated person or the failure of the Department or its provider agency to decide, within 30 calendar days of the date of the request, whether to grant or deny services requested by the parents or children;

- 2) a decision to reduce, suspend or terminate services;
- 3) the choice of a permanency goal or the denial of a request for a change in permanency goal;
- 4) the failure to complete a service plan within 30 calendar days of case opening or the failure to review the service plan within the Department's specified time frames;

- 5) the failure to provide services as specified in the service plan with reasonable promptness or within the time frames as provided

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- in the service plan;
- 6) the frequency or length of family visitation, or failure to arrange parent-child visits when the child is placed out of the home and parental rights have not been terminated, and the frequency or length of sibling visits when children are placed apart;
 - 7) a change in the placement of the child;
 - 8) the imposition of unnecessary services or conditions as part of a service plan;
 - 9) a denial of a relative's request for placement with that relative of a child for whom the Department is legally responsible.
- b) By Foster Parents and Relative Caregivers
- 1) Foster parents may appeal the following issues:
 - A) decisions made by the Department or its provider agency which directly affect the foster parent, such as payment issues, as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), relative(s), or sibling(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.
- 2) Relative caregivers may appeal the following issues:
- A) decisions made by the Department or its provider agency that directly affect the relative caregiver, such as payment issues as defined in 89 Ill. Adm. Code 359, Authorized Child Care Payments;
 - B) decisions made by the Department or its provider agency regarding services provided for the benefit of foster children in their care, such as day care, medical, educational, and psychological services;
 - C) failure to provide services as specified in the service plan for the benefit of the foster children in their care. This does not include services provided to the biological family, such as family therapy or family counseling; and
 - D) a change in the child's substitute care placement. This does not include placement with the biological or adoptive parent(s), placements for purposes of adoption as ordered by the court, or return to an unrelated individual(s) with whom the child resided prior to entering substitute care.

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- 3) Foster parents and relative caregivers have the right to be heard by the ~~Bureau-of-Quality-Assurance~~ Department on issues specified in 89 Ill. Adm. Code 305, Client Service Planning, Section 305.80, Decision Review, which issues are not appealable under this Part. However, they will not be considered a party to the service appeal on issues which may affect residual parental rights and responsibilities. These include, but are not limited to, issues regarding the child's return home, family visitation, the right to consent to adoption, the right to determine the minor's religious affiliation and other issues which do not directly affect the foster parents themselves or their roles as caregivers of the child. The residual rights and responsibilities of parents are further defined in Section 801-3 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1991, ch. 37, par. 801-3) [705 ILCS 405/1-3].
- c) By Relatives
Relatives who are denied placement of a related child may appeal the denial.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 337.100 How to Request a Service Appeal

- a) The appellant shall request a service appeal in writing within 45 calendar days of the date of notice. The appellant shall include in the request his or her name, address, and a statement of the intent to appeal. The appellant may also submit a general statement of the issue(s) appealed, a brief written summary stating his or her position regarding the Department's decision, and may include additional information for the Department to consider as to why the Department should change its decision.
- b) If the appellant wishes the services to remain unchanged during the time of the appeal, the appellant shall request an appeal in writing within ten calendar days of the date of notice.
- c) The request for a service appeal must be submitted to the ~~Bureau-of-Quality-Assurance-Department-of-Children-and-Family-Services-State-62007-t00--West-Randolph-Administrative Hearings-Unit~~ Department of Children and Family Services, 160 North LaSalle, 6th Floor, Chicago, Illinois 60601.
- d) If the appellant is unable to request a service appeal in writing the Department or provider agency shall provide assistance to ensure that the request is made in writing.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 337.210 Continuances Requested in a Combined Hearing

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The ~~Deputy-Director-of-the-Bureau-of-Quality-Assurance-or-the~~ Administrator of the Administrative Hearings Unit--whenever--appropriate shall also consider requests for continuances by any party. The best interests of the child or children is the determining factor when deciding these issues. A final administrative decision must be made on the service appeal and implemented within 90 days of the date the Department received the request for the service appeal, extended by any delay caused or approved by an appellant.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 337.230 Who Receives a Copy of the Final Administrative Decision

The appellant, authorized representative of the child, the parent or parents, any authorized or court appointed representative as defined in Section 327.60 of this Part, the administrative law judge, the Department's field-site office, the Department representative presenting the case, the Department's regional administrator, ~~the--Deputy--Director--of--the--Bureau--of--Quality--Assurance~~ the Administrator of the Administrative Hearings Unit, and if they participate in the appeal and request it, the provider agency, guardian ad litem, foster parent, and purchase of service provider agencies shall receive a copy of the final administrative decision.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Eye Protective Devices
- 2) Code Citation: 23 Ill. Adm. Code 600
- 3) Section Numbers: Proposed Action:
600.10 Repeal
600.20 Repeal
- 4) Statutory Authority: 105 ILCS 115
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 88-9 amended the Eye Protection in School Act to require the State Board of Education to establish "nationally accepted" standards for eye protective devices. The Act eliminated references to 1959 standards in the law. The most recent standards established by the American National Standards Institute, Inc., are the standards the State Board of Education will use to regulate eye protective devices.
- In addition, the language in 23 Ill. Adm. Code 1.420(s), which is being amended to implement P.A. 88-9, is duplicative of language in 23 Ill. Adm. Code 600. Therefore, it is proposed that 23 Ill. Adm. Code 600 be repealed.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed repealer contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

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NOTICE OF PROPOSED REPEALER

The full text of the proposed rule(s) begins on the next page:

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NOTICE OF PROPOSED REPEALER

The full text of the proposed rule(s) begins on the next page:

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER O: MISCELLANEOUS

PART 600
EYE PROTECTIVE DEVICES

Section	
600.10	The Law
600.20	Regulations

AUTHORITY: Implementing and authorized by Section 1 of "AN ACT to require the wearing of eye protective devices by all students, teachers and visitors when participating in or observing certain vocational, industrial arts and chemical-physical courses or laboratories, and providing minimum standards for such devices" (Ill. Rev. Stat. 1981, ch. 122, par. 698.11).

SOURCE: Adopted January 11, 1966; codified at 7 Ill. Reg. 11203; Part repealed at 19 Ill. Reg. _____, effective _____.

Section 600.10 The Law

a) Every student, teacher and visitor is required to wear an industrial quality eye protective device when participating in or observing any of the following courses in schools, colleges and universities:
1) vocational or industrial arts shops or laboratories involving experience with the following: hot molten metals; milling, sawing, turning, shaping, cutting, grinding or stamping of any solid materials; heat treatment, tempering or kiln firing of any metal or other materials; gas or electric arc welding; repair or servicing of any vehicle; caustic or explosive materials;
2) chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

b) Such devices may be furnished for all students and teachers, and shall be furnished for all visitors to such classrooms and laboratories.
c) The standards for such devices shall not be lower than the standards prescribed by the American Standards Association Safety Code for Head, Eye, and Respiratory Protection, 22.1-1959, promulgated by the American Standards Association, Inc. .

Section 600.20 Regulations

Persons responsible for the purchase of eye protective equipment to be used by schools, colleges and universities shall make certain that all equipment purchased meets the standards for protective eye wear as set forth by the American Standards Association bulletin 22.1-1959. Supplier shall state by affidavit that equipment meets the standards as set out in bulletin 22.1-1959.

a) Vocational and Industrial Arts Shops or Laboratories

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Safety eye protection must be worn by all students, teachers, and visitors in vocational and industrial arts shops or laboratories who are:

- 1) participating in or are exposed to the immediate vicinity of operations in foundry work (melting and pouring), soldering, or type casting.
 - 2) participating in or are exposed to the immediate vicinity of operations in milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials.
 - 3) participating in or are exposed to the immediate vicinity of heat treatment, tempering, or kiln firing of any metal or other materials.
 - 4) participating in or are exposed to the immediate vicinity of gas, electric arc, or other type of welding. In addition to protective coverings to eliminate danger of mobile objects, protection must be provided for eye damage resulting from exposure to light rays given off by such welding activities.
 - 5) participating in or are exposed to the immediate vicinity of repair or servicing of any vehicle.
 - 6) participating in or are exposed to any situation involving caustic or explosive materials.
- b) Chemical or Combined Chemical-Physical Laboratories
- Safety eye protection must be worn by all students, teachers, and visitors in chemical or combined chemical-physical laboratories who are:
- 1) participating in or exposed to the immediate vicinity of experiments involving caustic or explosive material.
 - 2) participating in or exposed to the immediate vicinity of experiments that create conditions capable of propelling solids or caustic liquids into the air.
- c) Portable Laboratory or Demonstration Tables
- Safety eye protection must be worn by all students, teachers, and visitors in classrooms where portable laboratory apparatus or demonstration tables are being used to conduct experiments that create conditions capable of propelling solids or caustic liquids into the air.
- d) Safety eye protection shall be furnished to all visitors to shops and laboratories, and may be furnished to teachers and students. Such devices may be rented, loaned, or sold to students and teachers.
- e) All persons shall wear eye safety devices at all times while in shops or laboratories, except while in separate drafting rooms, or in separate planning rooms.
- f) Since visitors' plastic eye shields scratch easily in everyday usage, separate shields or safety devices shall be kept for visitors and these shall not be used by school participants.
- g) Eye protective devices used by more than one student shall be stored in the open air and sunlight to avoid undue contamination.

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NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS	
1)	Heading of the Part: Public Schools Evaluation, Recognition and Supervision
2)	Code Citation: 23 Ill. Adm. Code 1
3)	Section Numbers: 1.280 1.420 1.440 1.445 1.540 1.610
	Proposed Action: Amendment Amendment New Section Repal Amendment
4)	Statutory Authority: 105 ILCS 5/2-3.25
5)	A Complete Description of the Subjects and Issues Involved: These amendments incorporate language contained in recently enacted legislation. These public acts are: P.A. 87-1103 (discipline procedures for children with disabilities [Section 1.280 of the rules]); P.A. 87-1215 (institute days [Section 1.420(f)(6) of the rules]); P.A. 88-189 (standards for eye protective devices [Section 1.420(s) of the rules]); P.A. 88-189 (qualifications for teachers [Section 1.610 of the rules]); P.A. 88-346 (maintenance of discipline [Section 1.280 of the rules]); P.A. 88-369 (required course substitute [new Section 1.415 of the rules]); P.A. 88-376 (parent-teacher discipline advisory committee [Section 1.280(a) of the rules]); and P.A. 88-386 (inservice training for teachers [Section 1.420(f)(6) of the rules]).
6)	Will this proposed rule replace an emergency rule currently in effect? No.
7)	Does this rulemaking contain an automatic repeal date? No.
8)	Does this proposed amendment contain incorporations by reference? Yes, the rules do contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act. The incorporation is contained in Section 1.420(s) of the rules.
9)	Are there any other proposed amendments pending on this Part? No.
10)	Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
11)	Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl
Agency Rules Coordinator

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the proposed rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER 1: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL ACCREDITATION

Section

1.10	Definitions
1.20	The School Accreditation Process
1.30	Development of School Improvement Plans
1.40	Student Performance and School Improvement Requirements
1.50	State Assessment
1.60	Operational Compliance
1.70	Effective Dates of Accreditation
1.80	Academic Watch List
1.90	System of Rewards and Recognition
1.100	Waiver of Rules

SUBPART B: SCHOOL GOVERNANCE

Section

1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 175 and 185 Commemorative Holidays to be Observed by Public Schools
1.260	Book and Material Selection
1.270	Discipline
1.280	Absenteeism and Truancy Policies
1.290	

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

1.310	Administrative Responsibilities
1.320	Duties
1.330	Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

1.410	Determination of the Instructional Program
1.420	Basic Standards
1.430	Additional Criteria for Elementary Schools

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|-----|--|
| 440 | Additional Criteria for High Schools |
| 445 | Required Course Substitute |
| 450 | Special Programs |
| 460 | Credit Earned Through Proficiency Examinations |
| 462 | Uniform Annual Consumer Education Proficiency Test |
| 465 | Ethnic School Foreign Language Credit and Program Approval |
| 470 | Adult and Continuing Education |
| 480 | Correctional Institution Educational Programs |

SUBPART E: SUPPORT SERVICES

- | | | |
|-------|-----|-------------------------------------|
| ction | 510 | Transportation |
| | 520 | School Food Services |
| | 530 | Health Services |
| | 540 | Pupil Personnel Services (Repealed) |

LIBRARY E: STATE CERTIFICATION REQUIREMENTS

- | | |
|-------|---|
| ction | |
| 610 | Public School Districts |
| 620 | Acreditation of Staff |
| 630 | Noncertificated Personnel |
| 640 | Requirements for Different Certificates |
| 650 | Transcripts of Credits |
| 660 | Records of Professional Personnel |

SUBPART G: STAFF QUALIFICATIONS

- | Section | Minimum Requirements for Teachers | Minimum Requirements for Elementary Teachers | Minimum Requirements for Teachers of Junior High and Upper Elementary Grades | Minimum Requirements for Secondary Teachers and Specified Teachers in Grades Six (6) and Above | Requirements to Take Effect on July 1, 1991 | Requirements to Take Effect on July 1, 1994 | Standards for Reading | Standards for Media Services | Standards for Pupil Personnel Services | Standards for Special Education Personnel | Standards for Teachers in Bilingual Education Programs | Requirements for Bilingual Education Teachers in Grades K-12 | Requirements for Teachers of English as a Second Language in Grades K-12 | Substitute Teacher | |
|---------|-----------------------------------|--|--|--|---|---|-----------------------|------------------------------|--|---|--|--|--|--------------------|-----|
| 705 | 705 | 710 | 720 | 730 | 735 | 736 | 740 | 750 | 750 | 760 | 770 | 780 | 781 | 782 | 790 |

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5/24-24] states that teachers and other certificated educational employees shall maintain discipline in the schools.

a) To prevent misgueses - efforts - broad concepts - general principles - specific applications - guidelines - general policy - specific policies - guidelines

b) To incorporate punishment - guidelines - disciplinary - generality for misbehavior - the discrete - shah - notify - parenting - option initiated entitlement - consequences - rules - they may ignore - a - approach - general corporate punishment - not be administered - rationale - child development - advisory committee - shah - establish - and - maintain a parent teacher advisory committee - shah - furnish - a copy of - the - policy - guidelines - the partners on pupil discipline - shah - pupil with - 15 days after the beginning of the year - guardian - of - each pupil within - 15 days after the beginning of the school year - or - within 15 days after starting classes - for - a - period - who transfers - into - the - district - during - the - second year - and - shall require that - each - school - informs - pupils - of - the - contents - of - policies

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- d) ~~The Board of Education must establish a written policy on discipline and the policy so established must provide that a teacher may use reasonable force as needed to maintain safety for the other students and may remove a student from the classroom for disruptive behavior and must include provisions which provide due process to students.~~
- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [ILCS 5/10-20.14].
- b) The board of education shall establish a policy on discipline in accordance with the requirements of Section 24-24 of the School Code [ILCS 5/24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.
- c) As part of or in addition to the policy established pursuant to subsection (b) above, all school districts during the 1994-95 school year shall establish and maintain a parent-teacher advisory committee to develop discipline policies and procedures for students with disabilities who are receiving special education and related services. The policies adopted must be developed pursuant to Section 14-8.05 of the School Code [105 ILCS 5/14-8.05] and be consistent with State Board of Education guidelines titled "Guidelines for the Development of District Policies for the Use of Behavioral Interventions in the Schools (1994)." No later additions or amendments to those guidelines are incorporated by this rule.
- 1) Beginning in the 1995-96 school year, these policies shall be distributed to parents or guardians within 15 days after the start of the school year and each school year thereafter or within 15 days after the start of classes for pupils who transfer into the district during the school year.
- 2) Each school shall annually inform its students of the policy's contents.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state.
- c) Every school district shall:
- 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of

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- discrimination and to enrich the instructional program.
- 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) ~~The School Code~~ Sections 10-19 and 18-87 of the School Code [105 ILCS 5/10-19 and 18-87] specifies certain measures relative to the school day. Any deviation from Section 18-8 of the School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of school work each day with the following exceptions.
- 1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.
 - 2) Two or more clock-hours may be counted as a half-day of attendance by pupils in half-day kindergarten programs. However, such kindergartens may count two and one-half days of attendance in any five consecutive school days. Where a pupil attends such a kindergarten for two half-days on any one school day, such pupil shall have the following day as a day absent from school, unless the school system obtains permission in writing from the State Superintendent of Education. (Section 18-8 of the School Code.) Approval will be granted pursuant to the provisions of subsection (f)(5)(a) of this Section.
 - 3) One clock-hour may count as one half-day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.
 - 4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.
- 5) Opening and Closing of School Term - Approval of Days of Attendance of Four or More Clock-Hours
- A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term, and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers' workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis

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- of the present facilities being inadequate to house a normal program.)
- B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock-hours. Requests for extensions shall be made by the district annually prior to the opening of school.
- 6) A session of three or more clock-hours up to a maximum of five half-days per school year may be counted as a full day of attendance when the remainder of the day or, when at least two hours in the evening of that day ~~is~~ are utilized for an inservice training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of allowable half-days by two. In either instance the programs shall have prior approval on forms provided by the State Board of Education. Such days can only be scheduled as provided in Section 18-8(1)(g) of the School Code [105 ILCS 5/18-8(1)(g)].
- 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
- B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
- C) All teachers must hold certificates which are registered with the Elementary-Service-Region Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.
- 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.

- 9) Length of School Term
- 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8 of the School Code. Any days allowed by law for a teachers' institute but not used as such or used as parental institutes as provided

- in Section 10-22.18d of the School Code [105 ILCS 5/10-22.18d] shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of the School Code [105 ILCS 5/10-19.1], the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this section.
- 2) Nothing in this Section prevents the board from employing superintendents of schools, principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of the School Code [105 ILCS 5/10-23.8], or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
- 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
- B) A common core of development, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
- C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

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- i) Career Education
- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
 - 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.
 - j) Co-Curricular Activities
 - 1) Programs for extra classroom activities shall provide opportunities for all students.
 - 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.
 - k) Consumer Education and Protection
 - 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
 - 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
 - 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.
 - 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.
 - 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
 - l) Conservation of Natural Resources
 - 1) In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wild life, and humane care of domestic animals (Section 27-13.1 of the School Code

[105 ILCS 5/27-13.1].)

- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.
- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

n) Health Education

- Each school system shall be in compliance with rules for ~~29-fifteen-Adm:~~
~~Code-253-(Comprehensive Health Education, 123 Ill. Adm. Code 253)~~
issued pursuant to the Critical Health Problems and Comprehensive Health Education Act ~~fifteen-Revised Statute-1997-chapter-96t-e-seq.~~
~~[105 ILCS 110]~~.

- 1) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.
- 2) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.
- 3) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

o) Media Programs

- Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Recommended Standards for Educational Library Media Programs" (Revised 1986) is suggested as a guide for program development.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) The Physical Education and Training course offered in grades 9 and 10 may include Health Education. (Section 27-5 of the School Code [105 ILCS 5/27-5].)

5) Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act fifteen-Revised Statute-1997-chapter-96t-e-seq. [225 ILCS 601, prevents their

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participation in the courses provided for normal children (Section 27-6 of the School Code).

6) Each school board which chooses to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses as provided in Section 27-6(b) of the School Code shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances (i.e., plans for postsecondary education, participation in interscholastic sports, or enrollment in a class required for graduation).

q) Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

Each school system shall provide history and social studies courses which do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the state (Section 27-21 of the School Code);
 - 3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);
 - 4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and
 - 6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous

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vocational arts and chemical-physical courses of laboratories as specified in § Section 698-1 of the Eye Protection in School Act School-Essed [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection." ANSI Z87.1-1989, issued by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018. No later additions or amendments to these standards are incorporated by this rule.

t) In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2]).

u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3]).

(Source: Amended at 19 Ill. Reg. _____, effective _____, _____)

Section 1.440 Additional Criteria for High Schools

- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or regulations, is the option of the local school district.
 - 1) Language Arts, three units
 - 2) Science
 - 3) Mathematics
 - 4) History of the United States, one unit
 - 5) Foreign Language
 - 6) Music
 - 7) Art
 - 8) Career Education—Orientation and Preparation
 - 9) Health Education, students must take one semester or equivalent, i.e., at least eighteen weeks, during the secondary school experience.
 - 10) Physical Education, daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).
 - 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 9-12 except for students who have demonstrated proficiency

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- pursuant to the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.
- 12) Conservation of Natural Resources (Section 27-13.1 of the School Code).
- 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel—grades 10, 11, and 12 (Section 27-23 of the School Code [105 ILCS 5/27-23]).
- 14) Vocational Education—Job Entry Skill Development
- b) The daily program should be organized so as to afford each student easy access to the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.
- c) No teacher should have more than five different preparations.
- d) Each teacher should have time to conduct student conferences and plan for instructional programs.
- e) Driver Education and Safety
- 1) School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of the School Code [105 ILCS 5/27-23 and 27-24] and rules governing Driver Education [23 Ill. Adm. Code 252].
 - 2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and twelve clock-hours of instruction in driving simulators may be allowed in lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.
 - 3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.
 - 4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.
- f) Specific minimum requirements for graduation are listed below.
- 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
 - 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.
 - 3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public

schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

- g) Pursuant to ~~fitr-Rev-State-t997-enr-1227-pas-27-22~~ Section 27-22 of the School Code [105 ILCS 5/27-22], students who enter the 9th grade, except handicapped students whose course of study is determined by an individualized education program, must successfully complete the following courses, subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (f) above and any requirements imposed by the local school district.
- 1) three years of Language arts;
 - 2) two years of mathematics, one of which may be related to computer technology;
 - 3) one year of science;
 - 4) two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and
 - 5) One year chosen from
 - A) music,
 - B) art,
 - C) Foreign language, which shall include American sign language, or
 - D) vocational education.
- h) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection (g) above, provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
- i) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.
- j) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1.445 Required Course Substitute

- a) Pursuant to Section 27-22.05 of the School Code [105 ILCS 5/27-22.05], school boards in districts with any of the grades 9 through 12 may adopt a policy providing for a course substitution of a vocational and

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technical course for a high school or graduation requirement specified in Section 1.440(a)(10) and (9) of this Part. Such policies must provide a complete description of both the vocational and technical course and its relationship to the required course that will be replaced by the substituted course. Courses that may be substituted must meet the requirements set forth in Section 27-22.05 of the School Code and Section 1.440(h) of this Part.

b) No student under the age of 18 shall be enrolled in a course substitution unless that student's parent or guardian first requests the substitution and approves it in writing on forms that the school district makes available for such requests. Such requests shall be maintained in the student's temporary record in accordance with Section 4 of the Illinois School Student Records Act [105 ILCS 10/4].

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1.540 Pupil Personnel Services (Repealed)

^{+See-Subpart-B7-Section-1420(t)(7)}

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.610 Public School Districts

- a) No one shall be certified to teach or supervise in the public schools of the State of Illinois who is not of good character, good health, a citizen of the United States or legally present and authorized for employment and at least 19 years of age ~~for-School-Boarder-Secton 21-1~~ of the School Code [105 ILCS 5/21-1].
- b) A person not a citizen of the United States who has filed a ~~declaration-of-intent-to-become-a-citizen-of-the-United-States~~ but who meets the requirements of subsection (a) above may be issued a certificate valid for teaching or supervising in all grades of the common schools. Such a person shall have graduated with not fewer than 120 semester hours (or the equivalent as approved by the State Superintendent of Education) of credit from a recognized institution of higher learning and shall meet other requirements determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT (S)

Heading of the Part: Illinois Dental Practice Act

Code Citation: 68 Ill. Adm. Code 1220

Proposed Action:
3) Section Numbers:

1) Heading of the Part: Illinois Dental Practice Act	Amendment
2) Code Citation: 68 Ill. Adm. Code 1220	Amendment
3) Section Numbers:	Amendment
1220.100	Amendment
1220.110	Amendment
1220.120	Amendment
1220.130	Amendment
1220.155	New Section
1220.156	New Section
1220.160	Amendment
1220.200	New Section
1220.210	Amendment
1220.230	Repeal
1220.231	Amendment
1220.240	Amendment
1220.250	Amendment
1220.260	Amendment
1220.310	Amendment
1220.320	Amendment
1220.330	Repeal
1220.335	Amendment
1220.350	Amendment
1220.40	Amendment
1220.440	Amendment
1220.Appendix B	Amendment

- 4) Statutory Authority: Implementing Section 5 of the Illinois Dental Practice Act [225 ILCS 25/5].
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to bring the rules up to date with the Act. Sections 1220.100 and 1220.120 are being amended to comply with a statutory amendment effective January 1, 1995, to Section 9 of the Illinois Dental Practice Act. This amendment provides that graduates from a dental college or school outside the United States or Canada must complete a minimum of 2 years of undergraduate clinical training at a dental college or school in the United States or Canada, except that an applicant enrolled on January 1, 1993, in an approved one-year clinical program at an Illinois dental college or school shall be required to complete only that one-year program. Graduates from a dental college or school outside the United States or Canada also will be required to successfully complete the preclinical examination set forth in Section 1220.120(a)(1). Examination information was updated to provide for a change in examinations, beginning in 1995. Current examinations provided by the Central Regional Dental Testing Service (CRDTS) and the North East Regional Board (NERB) are being combined, starting in 1995, and will be given as the Combined Regional

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Examination (CORE). A passing score of 75 is established for the CORE exam. Provisions for retaking failed examinations are rewritten to incorporate the various situations created by the merging of the CROTS and NERB exams. Two new Sections are added to establish procedures for persons applying for temporary teaching or temporary training licenses provided for in Section 11 of the Act. Restoration Sections are updated to establish that individuals restoring licenses from inactive status shall only be required to pay the current renewal fee. Also clarified for persons seeking restoration of a license expired or on inactive status for 5 years or more is a requirement that they submit certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Application procedures for dental hygienists were expanded to cover those who already have passed the National Examination as well as those who are applying to take the exam. Also added to the rules is the statutory requirement that an applicant for a dental hygienist license submit a current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Section 1220.230, pertaining to the system of grading, is repealed because that information is now covered in Section 1220.231. In Section 1220.240, language is added to set forth conditions under which dental hygienists may monitor nitrous oxide. The list of subject areas to be covered in approved programs of dental hygiene was expanded to include CPR or basic life support, infection control, dental analgesia management, management of hazardous waste, patient with special needs care and community and public dental health. It also is established that an academic year shall be 32 weeks or more. The Applications Section for dental specialists was updated, including the addition of language clarifying that after July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. In the Examination Section for dental specialist licensure, it is specified that an applicant will not be required to retake any part of the dental specialty examination on which a score of 75 or more was received. Appendix B is amended to clarify that a dental assistant is permitted to fabricate and remove temporary crowns, but without the use of rotary instruments. The term "pedodontics" used throughout the rules is changed to "pediatric dentistry". Numerous other changes are included to make the rules consistent with the Act.

- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? Yes.
Section 1220.310(e) incorporates the standards used by the American Dental Association as approved by its Commission on Dental Accreditation

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specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, and including no later amendments.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Dental offices and sponsors of continuing education for the dental profession.
- B) Reporting, bookkeeping or other procedures required for compliance: Continuing education sponsors will be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current license in Illinois or another jurisdiction. There are no new reporting requirements in these proposed amendments.
- C) Types of professional skills necessary for compliance: Dental skills are required for licensure.

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	Application for Licensure
1220.100	Application for Examinations
1220.110	Clinical Examinations
1220.120	System of Retaking the Clinical Sections of the Examination
1220.130	Minimum Standards for an Approved Curriculum in Dentistry
1220.140	Licensure (Repealed)
1220.150	Temporary Teaching License
1220.155	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	Application for Licensure
1220.200	Applications Application for Examination
1220.210	Clinical Examination
1220.220	System of Grading (Repealed)
1220.230	System of Retaking the Clinical Examination
1220.231	Permitted Duties of Dental Auxiliaries
1220.240	Approved Programs of Dental Hygiene
1220.250	Restoration
1220.260	Renewal
1220.270	

SUBPART C: DENTAL SPECIALIST

Section	Applications
1220.310	Examination
1220.320	System of Grading (Repealed)
1220.330	American Board Diplomates
1220.335	Restoration
1220.340	Renewal
1220.350	
1220.360	

SUBPART D: GENERAL

Section	Reportable Diseases and Conditions
1220.400	

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SUBPART E: ANESTHESIA PERMITS

Section	Application for Licensure
1220.410	Endorsement
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)
 APPENDIX B Dental Assistant Permitted Procedures
 APPENDIX C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; codified at 5 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Admin. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Admin. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8319, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. _____, effective _____.

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SUBPART A: DENTIST

Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Department of Professional Regulation (the Department) which shall include:

- A complete work history indicating all employment since graduation from dental school.
- For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a course of instruction in a dental program that meets the minimum education standards of the Department specified in Section 1220.140.
- For graduates from a dental college or school outside of the United States or Canada:

- Certification of graduation from a dental college or school;
 - Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended completed dental school; and
 - Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:
- A) 2850 clock hours completed in 2 academic years for full-time applicants;
- B) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
- 4) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993; and
- 5) Successful completion of the preclinical examination set forth in Section 1220.120(a)(1).

- d) The required fee set forth in Section 21(a)(2) of the Illinois Dental Practice Act ~~(fifteen--Rev--Star--997-enr-par--232t+21) [225 ILCS 25/21(a)(2)] (The Act);~~
e) Proof of successful completion of the theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission; and
- f) Proof of successful completion of an examination set forth in Section 1220.120(b).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART A: DENTIST

Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada ~~and--where--not--completed--an--examination--set--forth--in--Section 1220.120(b),~~ shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- A complete work history indicating all employment since graduation from dental school;
- Certification of graduation from a dental college or school;
- Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended completed dental school; and
- Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. Two years of clinical training shall be:
 - 2850 clock hours completed in 2 academic years for full-time;
 - 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-timer; or
- Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

- e) The required fee set forth in Section 21(a)(2) of the Act; and
 f) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.120 Clinical Examinations

- The examination conducted by the Department for dental licensure shall be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the Theoretical examination given by the Joint Commission on National Dental Examinations before taking the Preclinical and Clinical Sections of the examination and shall have passed the Preclinical 1) Preclinical Examination – In order to be successful, a score of at least 75 is required.

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- 2) Clinical Examination - Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time, applicants will be required to take the current examination administered by the Department. In order to be successful, a score of at least 75 is required in each of the following parts:
- A) Restorative Amalgam
 - B) Restorative Castings
 - C) Prosthetics
 - D) Periodontics
 - E) Comprehensive Treatment Planning (CTP)
 - F) Diagnosis, Oral Medicine and Radiology (DOR)
 - G) Periodontal Simulated Examination (PSE)
- 3) Clinical Examination - Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below. In order to be successful, a score of at least 75 is required in each of the following parts:
- A) Restorative Exercises
 - i) Class II Amalgam Section
 - ii) Class III or IV Composite Resin Section
 - B) Periodontal Exercise
 - i) Diagnosis, Treatment Planning, Charting Section
 - ii) Scaling, Polishing, Pocket Probing Section
 - iii) Manikin Exercise
 - C) Endodontic Section
 - i) Three Unit Fixed Partial Denture Sections: 11 abutment preparations and provisional partial denture
 - ii) Written Simulated Clinical Exercise
 - D) Diagnostic, Oral Medicine and Radiology (DOR) Section
 - i) Diagnostic, Oral Medicine and Radiology (DOR) Section
 - ii) Comprehensive Treatment Planning (CTP) Section
 - iii) Periodontal Simulated Examination (PSE) Section
 - iv) Simulated Clinical Prosthetics (SCP) Section
- 4) Clinical Examination - Beginning in 1995, all applicants for examination will be required to take and pass the clinical examination set forth below:

- A) Part I - Case Based Written Simulations
 - i) Diagnosis, Oral Medicine, Radiology
 - ii) Comprehensive Treatment Planning
 - iii) Periodontal Diagnosis Examination
 - iv) Prosthodontic Diagnosis Examination
- B) Part II - Restorative Examination
 - i) Class II Silver Amalgam
 - ii) Class III/IV Composite
- C) Part III - Simulated Clinical Examination
 - i) Case Preparations - 3 Unit Bridge
 - ii) Endodontic Treatment
- D) Periodontal Examination - Clinical Treatment

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- b) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
- 1) Central Regional Dental Testing Service (CDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75;
 - 2)† The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years;
 - 3)† The Central Regional Dental Testing Service (CDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure; or
 - 4)† The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75 or better on each section of the examination.
- c) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)
- A) Section 1220.130 System of Retaking the Clinical Sections of the Examination
- a) The following retake requirements will apply to an applicant who took the clinical examination prior to April 1994 and was unsuccessful on any part of the examination:
- 1)† First Failure
 - A) Except as provided in subsection (2) below, on the second examination attempt, an applicant shall be required to take only those sections of the clinical examination in which he did not achieve a score of at least 75%.
 - B) An applicant who fails three or more sections of the clinical examination during a single setting will be required to complete the remedial education requirements set forth in subsection 4) below.
- 2) Second Failure
 - A) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:
 - 1) Applicants who have two failures in either the Comprehensive Treatment Planning (CTP) Section, or the Diagnosis, Oral Medicine and Radiology (DOR) Section or the Periodontal Simulated Exam (PSE) Section of the examination are required to take 20 clock hours of additional training in the subject area of each section failed either through instruction in a university with an approved dental curriculum or by participation in a general dentistry internship/residency program-in-a-teach-hospital or advanced general dentistry education program. Evidence shall

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- be submitted to the Department, signed by the program/residency director, indicating successful completion of the residency/education.
- iii)B** Applicants who have two failures in either the Prosthodontics, Amalgam, Restorative Casting, Periodontics or Clinical Prosthetics Section of the examination are required to take 40 20 clock hours of additional Clinical training, both didactic-and-practice in the subject area of each Section failed either through instruction at a university with an approved dental curriculum or by participation in a general dentistry internship/residency or advanced general dentistry education program in a licensed hospital. Evidence shall be submitted to the Department, signed by the program/residency director, indicating successful completion of the program/residency.
- e†** Applicants--who--have--two--failures--in--the--Resortative--Section of--the--examination--are--required--to--pass--the--Practitioner examination--whether--they--have--passed--it--previously--or--not--as--well--as--complete--the--10--hours--of--training--in--the--area--of restoration-as-described-in-subsection-(b)(1)(B)7--above:
- 2†B**) At the third examination, an applicant will be required to take only those Sections he failed on the second attempt.
- e†3** Third Failure
- A††** Prior to the fourth examination, an applicant must submit proof of satisfactory completion of one of the following:
- A††** Repetition-of-the-senior-year Complete an additional semester of training in of an approved curriculum in dentistry at a university with an approved curriculum in dentistry or an advanced general dentistry internship/residency or an advanced general dentistry program for not less than one academic year in a licensed hospital. Such program-must--provide--a rotating-internship:
- 2†B**) At the fourth examination, an applicant will be required to take and pass the--Practitioner-examination--before--being eligible-to--sit--for--the--Eminent--examination--again--Once the-Practitioner-passed--the--apprentice--will--be--required--to retake all Sections of the Clinical examination.
- b)** The following retake requirements shall be in effect for individuals taking the clinical examination after April 1994:
- 1)** An individual sitting for the examination the first time who fails the examination shall be subject to the following:
- A)** When one exercise is failed that exercise must be repeated.
- B)** When two or more exercises are failed, the entire examination (Four exercises) must be retaken.
- 2)** A candidate taking the entire examination or specific exercises for the second time who fails the examination shall complete 20

- clock hours of remedial education in each exercise subject area failed, and complete the entire examination.
- 3)** A candidate sitting for the total examination or specific exercises for the third time shall complete one semester (at least 13 weeks) of remedial education relating to the content of the examination and shall take the entire examination.
- 4)** A candidate sitting for the entire examination or specific exercises for the fourth time, who fails the examination shall complete one academic year of remedial education. Education must be obtained from a dental program approved by the Department in accordance with Section 1220.140 of this Part. The candidate must take the entire examination and must take the examination currently being offered.
- d† Subsequent failures---For--purposes--of--addtional--study--prior--to retakes--the--fifth--examination--will--be--considered--the--same--as--the third:**
- c)** If an applicant fails CORE, NERB, CRDTS, Southern or the Department Clinical examination, or any combination of examinations 3 times, the applicant shall repeat one academic year of an approved curriculum in dentistry.
- e†d** If an applicant applies for the Illinois state-constructed Clinical exam after having failed CORE, NERB, CRDTS or SRTA or--sites--regional equivalence one or more times, the CORE, NERB, CRDTS or SRTA or its regional--equivalence failures shall be considered Illinois exam failures for purposes of retakes.
- f†e** The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.
- (Source: Amended at 19 Ill. Reg. _____ effective _____)
- Section 1220.155 Temporary Teaching License
- a)** Pursuant to Section 11(d) of the Act, the Department shall issue a Temporary Teaching License to an individual who files an application, on forms provided by the Department, which includes:
- 1)** A complete work history since graduation from a dental program;
- 2)** Certification of licensure from the jurisdiction of original licensure and current licensure:
- A)** The time during which the applicant was licensed in that jurisdiction, including the date of the original license;
- B)** A description of the licensure examination in that jurisdiction;
- C)** Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
- 3)** A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:
- A)** The name and address of the dental school or hospital;

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- B) The beginning and ending date of the appointment;
C) The nature of and the need for the educational service that will be provided by the applicant;
- 4) The required fee set forth in Section 21(a)(1) of the Act.
- b) The temporary teaching license shall be valid for 3 from the date of issuance and may not be extended or renewed.
- c) The holder of a temporary teaching license may only perform such acts as may be prescribed and incidental to the training in the designated facility and may not engage in the practice of dentistry in Illinois, and the holder may not engage in the practice of dentistry in this State.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1220.156 Temporary Training License

- a) A person seeking a temporary training license in Illinois pursuant to Section 11(c) of the Act shall file an application, on forms provided by the Department, which includes:
- 1) A complete work history since graduation from dental school;
Certification of graduation and/or transcripts from a dental school or program;
- 2) Certification signed by the dean/hospital administrator of the specialty or residency program indicating the name of the specialty/residency program, the name and address of the dental school/hospital/institution in which the applicant will be located and the beginning and ending dates of the training;
- 4) Certification of licensure in another jurisdiction in which the applicant is currently licensed, stating, if applicable:

A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;

5) The required fee set forth in Section 21(a)(1) of the Act.

b) The temporary training license will be issued for the duration of the residency or specialty training and may be extended as set forth in subsection (c) below.

c) The holder of a temporary training license may request in writing an extension of a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. The temporary training license may be extended in the following circumstances:

- 1) Proof of continuance of a residency/specialty training program;
 2) Serving full-time in the Armed Forces; or
 3) An incapacitating illness as documented by a currently licensed physician.
- d) A temporary training license may be transferred from one program to another.

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- another only upon the return of the temporary license and receipt by the Department of a new application that contains a work history, certificate of acceptance that the resident will be accepted or appointed to a specialty/residence position and the temporary license fee.
- e) The holder of a temporary training license may only perform such acts as may be prescribed and incidental to the training in the designated facility and may not engage in the practice of dentistry in Illinois.

(Source: Added at 19 Ill. Reg. _____, effective _____)

Section 1220.160 Restoration

- a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than five-5½ years shall have the license restored by submitting proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for five-5½ years or more shall file an application, on forms supplied by the Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(a)(2) or take and pass the CORE, NEBB, CRDTS or SRTA examination or its regional-equivalency.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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SUBPART B: DENTAL HYGIENIST

Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application on forms supplied by the Department, which shall include:

- a) Certification of graduation from a dental hygiene program approved by the Department in accordance with Section 1220.250;
- b) Proof that the applicant has passed the National Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required;
- c) Proof of successful completion of an examination pursuant to Section 1220.220(c);
- d) A complete work history since graduation from a dental hygiene program;
- e) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
- f) The required fee set forth in Section 21(b)(1) of the Act.

(Source: Added at 19 Ill. Reg. _____, effective _____, effective

Section 1220.210 Applications Application for Examination

Applications for examination for licensure as a dental hygienist must be filed at least 60 days prior to the date of examination and be accompanied by the following:

- a) A recent photograph not larger than 2-1/2-by-2-1/2-inches Certified transcript from a dental hygiene program which meets the requirements set forth in Section 1220.250 of this Part;
- b) A certified copy of the dental hygiene record and certificate of the applicant by the approved program or dental hygienist at which the applicant successfully completed the required two-year course of instruction in dentistry and hygiene. A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- c) A complete work history since completion of the dental hygiene program;

~~c)d) Proof that the applicant has passed the National examinations given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required;~~

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in all subjects is required; and

~~d)e) The required fee set forth in Section 21(b)(2) of the Act.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____,

Section 1220.230 System of Grading (Repealed)

- a) Written--written--grades--for--dental--and--dental--hygiene--shall be required to have earned a National Board Certificate with scores of 75 or above in all subjects;
- b) Practical
 - i) An applicant must score a grade of 75 or greater to pass the practical examination;
 - ii) An applicant who scores the required grades in his first theoretical examination but fails to make a score of 75 or greater in his first practical examination will be required to retake only the practical examination provided he takes his subsequent examination within two (2) years of the date of his previous examination;
- c) The required fee set forth in Section 21(b)(1) of the Act.

(Source: Repealed at 19 Ill. Reg. _____, effective _____,

Section 1220.231 System of Retaking the Clinical Examination

Applicants who failed the dental hygienist examination in total or part shall comply with the following retake requirements:

- a) First Failure.
 - 1) On the second examination attempt, an applicant shall be required to take only that Section(s) of the clinical examination in which he did not achieve a score of at least 75%.
 - 2) Applicants who fail both parts of the examination during a single series will be subject to the remedial education requirements set forth in subsection (b) below.
- b) Second Failure
 - 1) Prior to the third examination attempt, an applicant must submit proof of further study, as specified below:
 - A) Applicants who have two failures in the Dental Hygiene Comprehensive (DHC) Section of the examination are required to take 20 clock hours of additional training in this area through instruction from an institution of higher learning with an approved dental hygiene program.
 - B) Applicants who have two failures in the clinical section either performance section of the examination are required to take 40-20 clock hours of additional training, both didactic and practical, through instruction at an institution of higher education with an approved program.
 - 2) At the third examination, an applicant will be required to take only that Section(s) he failed on the second attempt.

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- c) Third failure
- 1) Prior to the fourth examination, an applicant must submit proof of satisfactory completion of the repetition of ~~the senior year~~ one semester of training at ~~of~~ an approved program in dental hygiene.
 - 2) At the fourth examination, an applicant will be required to retake the entire Clinical examination and be subject to the retake requirements set forth in subsections (a) and (b) above.
 - d) ~~Subsequent-failures---For-purposes-of-addition---and---concerned-the-retake-the-fifth-examination---will-be-required-to-retake-the-entire-third---except-that-the-dentist-with-be-required-to-retake-the-entire-clinical-examination-in-each-additional-attempt:~~
 - e) If an applicant applies for the Illinois State-constructed Clinical examination after having failed the NERB, CRDTs or SRTA examination or its regional-equivalency one or more times, the NERB, CRDTs or SRTA or its regional-equivalency shall be considered Illinois examination failures for purposes of retake.
 - f) ~~Bental---Hygiene---Consultants---The---Department---may---upon---the recommendation---of---the---Board---appoint---licensed---hygienists---to act-as-consultants-to-and-Board---for-the---dental---hygiene---examination.~~
 - g) The provisions of this Section shall apply to all applicants upon adoption without regard to where the applicant is in the application process.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.240 Permitted Duties of Dental Auxiliaries

- a) Permitted Duties of an Appropriately Trained Dental Assistant
- 1) A licensed dentist may delegate to an appropriately trained dental assistant those procedures for which the dentist exercises supervision and full responsibility as long as the delegated functions do not include:
 - A) Those procedures which require professional judgment and skill, such as diagnosis and treatment planning and the cutting of hard or soft tissues or any intraoral procedure which will be used directly in the fabrication of an appliance;
 - B) Those procedures specifically allocated to licensed dental hygienists; and
 - C) Those procedures forbidden by paragraph (g) of Section 17 of the Act.
 - 2) Appendix B of this Part contains an illustrative list of those procedures which may be performed by an appropriately trained dental assistant.
 - 3) An appropriately trained dental assistant is a person who is considered by the responsible supervising dentist to be competent

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- to perform acts appropriate for dental assistants, either through formal education in the area or through on-the-job training.
- b) Permitted Duties of a Dental Hygienist
- 1) Dental hygienists may perform dental health education functions and may record case histories and oral conditions observed.
 - 2) Scope of Duties
 - A) Hygienists may perform all procedures which may be performed by an appropriately trained dental assistant.
 - B) Hygienists may not perform procedures which require the professional judgment and skill of a dentist, such as diagnosis and treatment planning.
 - 3) Dental hygienists may monitor nitrous oxide under the following conditions:
 - A) The dental hygienist functions under the supervision of the dentist who remains in the facility.
 - B) The dentist shall administer nitrous oxide to the patient and control the induction of the gas, so that the patient is at a level of anesthesia not anesthesia;
 - C) The dentist shall be responsible for removing the patient from nitrous oxide when the dental hygienist has completed the hygiene procedures; and
 - D) The dentist and dental hygienist are responsible for obtaining proof of certification, validating completion of a 12 hour course relative to nitrous oxide analgesia. Proof shall be made available to the Department upon request. The 12 hours shall include both didactic and clinical component and be given by a continuing education sponsor approved pursuant to Section 1220.440 or a dental hygiene program approved by the Department pursuant to Section 1220.250.
 - 4) Appendix C of this Part contains an illustrative list of those procedures which may be performed by registered dental hygienists.
 - 4+5) The licensed dentist need not be present in the facility for a dental hygienist to perform the procedures outlined in Appendix C of this Part on persons who reside in a Long-term care Facility licensed by the State of Illinois or a mental health or developmental disability facility operated by the Department of Mental Health and Developmental Disabilities hospital or other similar institution and are unable to travel to a dental office because of illness or infirmity. The dentist shall personally examine and diagnose the patient and determine which services are necessary to be performed, which shall be contained in a written order to the hygienist. Such order must be implemented within 90 days of its issuance and an updated medical history and oral inspection must be performed by the hygienist immediately prior to beginning the procedures to ensure that the patient's health has not changed in any manner to warrant a re-examination by the dentist.
 - c) All intraoral procedures performed by a dental auxiliary, except those

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provided for in subsections (b)(1) and ~~(b)(4)~~ (b)(5), above, must be examined by the supervising dentist prior to the dismissal of the patient from the facility that day.

(Source: Amended at 19 Ill. Reg. _____)

Action 1220.250 Approved Programs of Dental Hygiene

- a) The Department shall, upon the recommendation of the Dental Examining Committee, approve a program of dental hygiene as reputable and in good standing if it meets the following minimum criteria:
- 1) B--e--t--e--d--i--n--a--i--n--s--t--u--t--o--n--o--f--h--i--g--h--e--r--l--e--a--r--n--g--t--h--a--t The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate associate degree or certificate.
 - 2) A--f--e--c--t--i--v--i--t--y--t--h--i--c--t--i--s--c--o--p--r--i--s--t--o--f Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate post-secondary degrees. To assure development of clinical competence and to insure maximum protection of the patient, the faculty to student ratio for preclinical, clinical and radiographic sessions should not exceed one to six.
 - 3) Has a curriculum of at least the following subject areas:

CPR or Basic Life Support

- Dental Anatomy
 - Infection Control
 - Radiology
 - Pathology
 - Periodontology
 - Microbiology
 - Physiology
 - Chemistry
 - Histology
 - Dental Analgesia Management
 - Dental Materials
 - Management of Hazardous Waste
 - Patient with Special Needs Care
 - Pharmacology
 - Nutrition
 - Practical Dental Hygiene
 - Ethics and Jurisprudence
 - Community and Public Dental Health
- 4) Has a dental hygiene curriculum which is a minimum course of study of 2 academic years in length or its equivalent. An academic year shall be 32 weeks or more.

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- 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Commission on Dental Accreditation of the American Dental Association.

Program Evaluation

- ii) An applicant from a dental hygiene program that has not been evaluated will be requested by the Department to provide documentation concerning the criteria in this Section:
- 2) Once the Department has received the documentation, or after 6 months have elapsed from the date of application whenever some first-the-Committee-will-evaluate-the-program-based-on-all documentation received from the school and any additional information the Department has received which it deems to be reliable.
- d) The Department, upon the recommendation of the Bentat--Examining Committee Board of Dentistry, has determined that all dental hygiene programs accredited by the Commission on Dental Accreditation of the American Dental Association as of September 1, 1995, meet the minimum criteria set forth in subsection (a), above and are, therefore, approved.
- e) Withdrawal-of Approval
- ii) The Director may open a written recommendation submitted by the Bentat--Examining Committee to withdraw, suspend, or place on probation the approval of a dental hygiene school or program when the quality of the program has been materially affected by any of the following causes:
- At Gross or repeated violations of any provision of the Act
- By Fraud or dishonesty in furnishing documentation for evaluation of the dental hygiene program or
- By Failure to continue to meet the criteria set forth in this Section:
- A dental hygiene school or program whose approval is being reconsidered by the Department shall be given written notice prior to any recommendation by the Committee and may either submit a written comment or request a hearing before the Committee.

(Source: Amended at 19 Ill. Reg. _____)

Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than five plus 5 years shall have the license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in

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cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of \$10 plus all lapsed renewal fees, but not to exceed \$85. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

b) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for five-(5) 5 years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.

- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the CORE, NERB, CRDTs and SRTA examination ~~or its -region~~ ~~equivalency~~.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

- a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination accompanied-by-a-recent-photograph-of-the-applicant. The application shall include the following:

- 1) Certification of completion of dental specialty training in accordance with subsection (b) below;
- 2) A complete work history since graduation from dental school;
- 3) The fee required in Section 21 of the Act.

- b) To further qualify for examination as a specialist in Endodontics, Pedodontics, Pediatric Dentistry, Periodontics, Prosthodontics, Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a)(7) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study not less than two academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.
- c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:
- 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a ~~4~~ ⁴ three year (9648 months) period of training in Oral and Maxillofacial Surgery in a school and/or hospital approved by the Department. A minimum of 30 months shall be in clinical Oral and maxillofacial surgery. Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the ~~three~~ ⁴ year requirement. The schedule shall include twenty-four ~~24~~ months of full-time hospital training in an acceptable Oral and Maxillofacial Surgery residency program. Not less than ~~three~~ ⁴ months of this period must be devoted to training in anesthesiology.
 - 2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the Oral and Maxillofacial Surgery training took place. The records must attest to the individual's successful completion of the program.
 - 3) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting.

- ~~e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994 December 1992, which are herein incorporated by reference and include no later amendments.~~
- ~~f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.320 Examination

- a) Examination for dental specialist licensure shall be held at least

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once each year and be conducted in the following specialties:

Endodontics
Oral and Maxillofacial Surgery
Orthodontics and Dentofacial Orthopedics
Pedodontics Pediatric Dentistry
Periodontics
Prosthodontics

- b) The examination for dental specialty licensure shall contain ~~two-totally~~ ² parts in the specialty for which the applicant is applying and consist of a:
- 1) Simulated Clinical Examination; and a
 - 2) Presentation of Case Histories and Oral Examination.
 - c) The Simulated Clinical is a written examination which shall test the applicant's knowledge in the subjects which constitute the science and art of the specialty for which the applicant is applying.
 - d) The Presentation of Case Histories and Oral Examination shall be evidence of the applicant's skill in his specialty. Applicants are required to submit case histories as specified in the candidate examination information packet received from the Department, or its designated testing service, prior to examination. Case histories shall be representative of the treatment situations encountered in the specialty for which the applicant is applying, and shall be cases in which the applicant had primary responsibility and control over the treatment method.
 - e) Applicants for dental specialist licensure shall have passed the Examination for dental specialist licensure in the specialty for which he is applying within the ~~three-totally~~ ³ years prior to licensure. The ~~three~~ ³ years shall be computed from the date of the successful examination.
 - f) The Simulated written Clinical part of the examination shall be waived for applicants who have passed the theoretical written portion of the American Board Examination in the specialty for which they are applying.
 - g) An applicant must score a grade of 75 or better in each part of the dental specialist licensure examination.
 - h) An applicant will not be required to retake any part of the dental specialty examination on which a score of 75 or more was received.
 - i) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.330 System of Grading (Repealed)

- a) An applicant must score a grade of 75 or greater in each part of the dental specialist licensure examination in order to pass.
- b) An applicant who scores a grade of 75 or greater in either part

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~~dentist--speciatist--licensure--examination--but-fating--the-other-part--of the examination--shall not--thereafter--be required to--reake--that--part of the examination in--which-a--score--of--75--or--greater--was--obtained.~~

~~c+) The provisions--of--this--Section--shall--apply--co--all--applicants--upon adoption--without--regard--to--where--an--applicant--is--in--the--application process.~~

(Source: Repealed at 19 Ill. Reg. _____, effective _____)

Section 1220.335 American Board Diplomates

- a) An applicant for dental specialist licensure as a specialist in Endodontics, Pedodontics, Periodontics, Prosthodontics, Orthodontics and Dentofacial Orthopedics, or Oral and Maxillofacial Surgery who is also certified as an American Board Diplomate in the specialty for which application for licensure is made shall not be required to take the examination for dental specialist licensure as provided for in Section 1220.320 of this Part.
- b) American Board Diplomates applying for dental specialist licensure shall comply with ~~all--of--the~~ meet the requirements for specialty licensure set forth in Section 1220.310, with the exception of the examination, and shall additionally submit evidence of certification as an American Board Diplomate at time of application for licensure.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.350 Restoration

- a) A licensee seeking restoration of ~~his~~ a specialty license after it has expired for less than five (5) years shall have ~~his~~ the licensee restored upon payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall not be required to pay lapsed renewal fees. In order to restore a specialty license the applicant shall have an active dental license.
- b) A licensee seeking restoration of ~~his~~ a license after it has expired or been placed on inactive status for ~~five--5~~ 5 years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act. The registrant shall also submit either:
- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of his license within 2 years of termination of such service, he shall

- a) An applicant must score a grade of 75 or greater in each part of the dental specialist licensure examination in order to pass.
- b) An applicant who scores a grade of 75 or greater in either part

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- have his license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.320.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.410 Endorsement

- a) A person seeking licensure in Illinois as a dentist or as a dental hygienist who is so licensed in another state or territory ~~and has maintained-a-lawful-practice-in-that-jurisdiction-for--5-years-or-more~~ and has been lawfully practicing for at least 3 of the last 5 years prior to application in Illinois, may be granted licensure in Illinois upon proof that the requirements for licensure in the other jurisdiction are at least equal to the requirements in Illinois. The applicant shall file an application for licensure on forms provided by the Department, which shall include:
- 1) Certification of licensure in the other jurisdiction stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the licensure examination in that jurisdiction; and
 - C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;
 - 2) The applicant's National Board of Dentistry Examination scores, which must be forwarded to the Department from the Joint Commission on National Dental Examinations;
 - 3) For dental applicants, certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school which meets the minimum education standards of the Department specified in Section 1220.140;
 - 4) After May 21, 1993, for dental applicants who graduated from a dental college or school outside of the United States or Canada:
 - A) Certification of graduation from a dental college or school in the jurisdiction in which the applicant attended dental school; and
 - B) Certification from an approved dental college or school in the United States or Canada that the applicant has completed ~~a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:~~

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- i.) 2850 clock hours completed in 2 academic years for full-time applicants;
- ii.) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
- D) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;
- 475) For dental hygienists, certification of 2 academic years of credit in an approved school of dental hygiene which meets the minimum education standards of the Department specified in Section 1220.250-2;
- 576) Verification of employment;
- 677) A complete work history indicating all employment since graduation from dental school or dental hygiene program; and
- 778) Certifications from any other jurisdiction in which the applicant is licensed which shall contain the information specified in subsection (1) above; and
- 879) Fees required under Sections 21(a)(4) and (b)(3) of the Act.
- c) In-determining whether the requirements for dental licensure are equal to those in Illinois the Department shall accept examinations for licensure which test the following subject areas:
- 1) restorative;
 - 2) prosthodontics;
 - 3) periodontics;
 - 4) comprehensive treatment-planning-(GPP)-; and
 - 5) diagnosis-of oral medicine and radiology-(BRR);
- c) The Department shall also accept the NERB examination or its regional equivalent for dental licensure.
- c) In-determining whether the requirements for licensure-as-a-dental hygienist-are equal to those in Illinois-the-Department-shall-accept state-contracted-examinations-which-test-the-following-subject-areas:
- 1) geriatric-of-patients;
 - 2) review-of-required-records;-and
 - 3) treatment-exercise;
- c) The-Department-shall-also-accept-the-NERB-examination-or-its-regional-equivalent-for-dental-hygienist-licensure;
- d) Each application shall be reviewed on an individual basis by the Board in accordance with the provisions of this Section.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220.440 Continuing Education

- a) Continuing Education Hours Requirements
- 1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education

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- (CE) relevant to the practice of dentistry during the prerenewal period.
- 2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.
 - 3) A prerenewal period is the 24 months preceding September 30 of each even-numbered year.
 - 4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.
 - 5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however, required to complete 32 hours to renew the dental license.
 - 6) Dentists or dental hygienists licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
 - A) Clinical courses in dentistry and dental hygiene; or
 - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health. - 2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:
 - A) American Dental Association and National Dental Association constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
 - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
 - C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
 - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as:
 - i) Oral and Maxillofacial Surgery

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- E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
- F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
- G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
- H) A college or university accredited by an agency approved by the U.S. Office of Education or a community college approved by the Illinois Community College Board;
- I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
- J) The American Heart Association and the American Cancer Society;
- K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
- L) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
- M) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.
- 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
- 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
- 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitive presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through teaching continuing education courses.
- 7) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
- 8) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for

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- license renewal.
- 9) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- c) Sponsor Application pursuant to Subsection (b)(2)(M)
- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) above shall file an application on forms supplied by the Department, along with a \$500 processing fee. The applicant shall certify on the application the following:
- A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
- B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
- i) The name and address of the sponsor;
 - ii) The name, address and license number of the participant;
 - iii) A brief statement of the subject matter;
 - iv) The number of hours attended in each program;
 - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
 - vi) The date and place of the program; and
 - vii) The signature of the sponsor.
- C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
- 2) To maintain approval as sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
- 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current

- license in Illinois or another jurisdiction.
- d) Certification of Compliance With CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.
 - 2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.
 - 3) The Department may conduct random audits to verify compliance with CE requirements.
 - 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section # 10-65 of the Illinois Administrative Procedure Act #17-Rev-Stat-#97-ch7-h27-part-#6+15_LCSC 100/10-65.
- e) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable renewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness documented by a licensed physician;
 - C) Undue hardship;
 - D) Being retired from practice and not performing any dental or dental hygiene services; or
 - E) Being disabled and unable to practice dentistry or dental hygiene.
 - 3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

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(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 1220. APPENDIX B Dental Assistant Permitted Procedures

The following procedures may be performed by a trained dental assistant if the licensed dentist responsible for the patients in that practice:

- a) Is in the same room during the performance of the procedures:
 - 1) Provide chairside assistance to the dentist who is performing dental operations and act in response to the dentist's specific directions, such as retracting a patient's cheek, tongue, or other oral tissue.
 - 2) List on a chart the oral condition as dictated by the dentist who is performing a dental examination, and record preliminary medical and dental histories.
- b) Is in the dental facility during the performance of the procedures:
 - 1) Provide chairside assistance to a dental hygienist, perform certain tasks consisting of traditional chairside assisting such as retraction of patient's tongue, cheek, or other oral tissue.
 - 2) Remove oral debris by water, compressed air and vacuum devices.
 - 3) Mix dental materials to be used by the dentist.
 - 4) Receive removable prostheses for cleaning and repair.
 - 5) Seat patients, place protective garments, lubricate lips, and otherwise prepare patients for the dentist.
 - 6) Pre-selection and contouring of temporary crown forms extraorally for placement of filling material and seating of temporary crown by the dentist.
 - 7) Place and remove rubber dams and clamps.
 - 8) Remove excess cement from clinical crown of tooth.
 - 9) Place and remove periodontal packs; and remove sutures excluding wire sutures.
 - 10) Expose and process roentgenograms of teeth, the alveolar process, or any of the bony parts necessarily involved.
 - 11) Place and remove metal, celluloid, or plastic matrices and wedges between teeth for placement of filling material by the dentist.
 - 12) Instruct and demonstrate placement of intraoral appliances that the patient will have to do by himself or herself out of the office.
 - 13) Take impressions of the mouth for the purpose of making diagnostic casts or model casts and opposing models.
 - 14) For impressions other than those used for diagnostic purposes, selection of impression trays and holding of impressions after they have been seated by dentist, and remove such impression at the direction of the dentist.
 - 15) Instruct patients in the use of all oral hygiene products, intraoral elastics, or the care and use of orthodontic appliances, including intratemporal and extratemporal demonstration.
 - 16) Remove ligature ties, cut and tuck ligatures, remove tension devices and any loose or broken bands or arch wires.
 - 17) Fixation (ligations, pinning, or fastening) of any arch wire after fitting and placement of that arch wire by a licensed dentist.

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- 18) Remove an arch wire.
 19) Take patient's vital signs, i.e., blood pressure and pulse, etc.
 20) Apply topical anesthetics.
 21) Apply microdentification dots.
 22) Place and remove retraction cord.
 23) Instruct patient in use of bleaching agents.
 24) Fabricate and remove temporary crowns without the use of rotary instruments.
 25) Remove excess super gingival cement from restorations and appliances that have been placed by the dentist.
 26) Use acid etch for the purpose of preparing teeth for pit and fissure sealants and preparation for placement of orthodontic brackets.
 27) Place amalgam and composite material into cavity preps for condensation by the dentist.
 28) Place and remove orthodontic separators for the purpose of timely placement of orthodontic appliances.
 29) Preselection or prescribed trial fitting of orthodontic brackets, bands, stainless steel crowns and doctor-prescribed archwires intraorally.
 30) Take intraoral photographs and imaging.
 c) Directs the performance of procedures which do not require direct contact with patients. The dentist need not be physically present in the office during the performance of these procedures.
 d) Supervision as defined in Section 4 of the Act, means the supervision of a dental assistant requiring that a dentist authorize the procedure, remain in the dental facility while the procedure is performed, and approve the work performed by the dental assistant before dismissal of the patient, but does not mean that the dentist must be present at all times in the treatment room.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: MOBILE SOURCES
 2) Code citation: 35 Ill. Adm. Code 240
 3) Section numbers: Adopted action:
 240.101, 240.102, 240.104
 240.105, 240.106, 240.107
 240.124, 240.125
 240.151, 240.152, 240.153
 240.161, 240.162, 240.163
 240.164, 240.171
 240.Table A, 240.Table B
 4) Statutory authority: Sections 28.5 and 27 of the Environmental Protection Act [415 ILCS 5/28.5 and 27] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20].
 5) Effective date of amendments: December 14, 1994
 6) Does this rulemaking contain an automatic repeal date? No.
 7) Do these amendments contain incorporations by reference? No.
 8) Date filed in Board's principal office: Order adopted December 1, 1994.
 9) Notice of proposal published in Illinois Register:
 August 5, 1994, 18 Ill. Reg. 12021
 10) Has JCAR issued a Statement of Objections to these rules?
 Yes. JCAR issued a Statement of Objections to these amendments at its meeting of November 15, 1994. That Statement appeared in the Register on December 2, 1994, at 18 Ill. Reg. 17285. The Board responded to that objection by an opinion and order dated December 1, 1994. The Board submitted a Notice of Refusal to Meet the Objection of the Joint Committee on Administrative Rules for publication in the Register. The Board directly submitted a copy of the December 1, 1994 opinion and order and the Register Notice to JCAR.
 11) Differences between proposal and final version:
 Section _____
 Board Action _____

Authority note

added "Section 13B-20" and "see" before reference to P.A. 88-533

Main source note

added citation to R94-20 amendments

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- 240.101 removed " /1" and year from statutory citation
- 240.102 "high idle" added hyphen to "steady-state"
- 240.102 "light duty truck 1" & light duty truck 2" removed commas from numbers
- 240.102 "motor vehicle" added "Section 1-146 of" to and removed date from statutory citation
- 240.102 "tier 1" removed colon and changed "The" to "means the" procedure
- 240.104 removed date from statutory citation and corrected position of bracket and added "see" to statutory citation
- 240.105 (a) & (b) removed dates from statutory citations
- 240.151 corrected statutory citation
- 240.164 added "at or" in two locations before "below"
- 240.Table A changed "< =" to "<" in two locations
- 240.Table B changed "< =" to "<" in two locations
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?
- The Board has incorporated all revisions suggested by JCAR indicated in question 9.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments:

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programs in areas not meeting the national ambient air quality standards (NAAQS) for ozone or carbon monoxide. In Illinois, the Chicago and Metro-East St. Louis (Metro-East) areas are classified as "severe" and "moderate" nonattainment for ozone, respectively. As such, they are subject to the federal I/M requirement. Illinois recently adopted the Vehicle Emissions Inspection Law of 1995 (625 ILCS 5/11B), P.A. 88-533, effective January 18, 1994. That statute provides authority for the Agency to implement an enhanced I/M program and meet U.S. EPA's requirements for such a program.

P.A. 88-533, at new Section 13B-20, mandates that the Agency propose and the Board adopt enhanced I/M rules by the identical-in-substance rulemaking procedure. The Agency proposed codified U.S. EPA emissions standards concerning evaporative system pressure and purge testing for the enhanced I/M program in companion docket R94-20, proposed by the Board for public comment on July 21, 1994, by identical-in-substance procedures under Section 28.4 of the Act, and adopted on December 1, 1994.

However, major portions of the federal enhanced I/M scheme are not codified in federal regulations, but exist only as federal guidance. Those portions relate to vehicle engine exhaust (tailpipe) emissions. Section 7.2 of the Act, which defines "identical-in-substance" rulemaking and establishes conditions for its use, allows the Board only to adopt federal rules using the identical-in-substance procedure. The Agency accordingly chose to use the next most expedient procedural mechanism, that of Section 28.5 "fast-track" rulemaking (415 ILCS 5/28.5), since this rulemaking also implements the requirements of the federal CAA. The Agency's proposal represented the procedural means by which the Agency sought to achieve the mobile source emissions standards necessary for the implementation of the enhanced I/M program. These are the amendments involved in this proceeding.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

A more detailed description is contained in the Board's opinion and order of December 1, 1994 in R94-19, which opinion and order is available from the address below.

Sections 182(b) and (c) of the federal Clean Air Act (CAA), as amended in 1990, require the use of vehicle emissions inspection and maintenance (I/M)

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER K: EMISSION STANDARDS AND LIMITATIONS

PART 240

MOBILE SOURCES

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- Section 240.140 Applicability
 Heavy-Duty Diesel Vehicle Smoke Opacity Standards and Test Procedures
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SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS

- Section 240.151 Applicability
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SUBPART F: EVAPORATIVE TEST STANDARDS

Section 240.171 Applicability
 APPENDIX A Rule into Section Table
 APPENDIX B Section into Rule Table

TABLE A Vehicle Exhaust Emission Start-up Standards
TABLE B Vehicle Exhaust Emission Final Standards

AUTHORITY: Implementing Sections 9, 10 and 13 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 10, 13, 27, and 28.5] and Section 13B-20 of the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B-20] (see P.A. 88-533, effective January 18, 1994).

SOURCE: Adopted as Chapter 2: Air Pollution, Part VII: Mobile Sources, filed and effective April 14, 1972; codified at 7 Ill. Reg. 13628; amended in R85-25, at 10 Ill. Reg. 11277, effective June 16, 1986; amended in R90-20 at 16 Ill. Reg. 6184, effective April 7, 1992; amended in R94-19 at 18 Ill. Reg. 18 ~~228~~, effective DEC 14 1994.

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section 240.101 Preamble

As the state of knowledge and technology relating to the control of emissions from motor vehicles ~~shall permit and make appropriate advances, and in furtherance of the purposes of the Environmental Protection Act~~ ~~shall set~~ [415 ILCS 5] (Act), the Pollution Control Board (Board) shall provide for the installation and use of equipment designed to prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of such equipment and of vehicles. Any rules and regulations promulgated pursuant to this section shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned.

(Source: Amended 1994 at 18 Ill. Reg. 18 ~~228~~)

Section 240.102 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211. Where conflicting definitions occur, the definitions of this Section apply in this Part.

"Diesel Engine" means all types of internal-combustion engines in which air is compressed to a temperature sufficiently high

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to ignite fuel injected directly into the cylinder area.

"Diesel locomotive" means a diesel engined vehicle designed to move cars on a railway.

"Driver+---+the+same+meaning+as+defined+in+the+Illinois+Vehicle+Code+---+applies+---+five+or+more+vehicles+"

"Pull Power-position Power position" means the ~~the~~ throttle position at which the engine fuel delivery is at maximum flow.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"Heavy Duty Vehicle duty vehicle" means any motor vehicle rated at more than ~~with~~-~~8,000~~ 8,000 pounds ~~or greater~~⁺⁻⁻⁻⁻⁻⁺⁻⁻⁻⁻⁻⁺ maximum gross vehicle weight rating (GVWR) or that has a vehicle curb weight of more than 6,000 pounds or that has a basic vehicle frontal area in excess of 45 square feet.

"High idle" means that portion of a two-speed steady-state idle test conducted with the engine operating at a speed of approximately 2500 RPM.

"Idle Mode mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Light-Duty truck" means a motor vehicle rated at ~~at least~~-~~8,000~~-pounds-gross vehicle-weight-or-less which is designed-for carrying more-than-10 persons or designed-for-the transportation--of--property--freight--or cargo--or is-a-derivative-of-such-a-vehicle?

"Light duty truck 1" means a motor vehicle rated at 6,000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2" means a motor vehicle rated between 6,001 and 8,500

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pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light Duty-Vehicle duty vehicle" means A-passenger-car designed-to carry not-more-than-10-persons a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded mode" means that portion of a vehicle emission test procedure conducted with the vehicle positioned and operating under load on a chassis dynamometer.

"Loaded vehicle weight (Lvw)" means the vehicle curb weight plus 300 pounds.

"Measured values" means five second running averages of exhaust emission concentrations sampled at a minimum rate of twice per second.

"Model year" means the ~~the~~ year of manufacture of a motor vehicle based upon the annual production period as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

"Motor Vehicle vehicle" as used in this Section Part, "motor vehicle" shall have the same meaning as in Section 1-146 of the Illinois Vehicle Code (Title-Rev-Stat-#9997-ch-#95-t#27-par-#1-#46) [625 ILCS 5/1-146].

"Opacity" means that fraction-of-light-expressed-in-percent-which-when transmitted-from-a-source-through-a-smoke-obscured-path--its--prevented from reaching-the-observer-or-instrument-receiver-

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

"Pressure test" means a test of a vehicle's evaporative emission control system to verify the system's integrity by identifying the presence of system leaks by injecting an inert gas into the system and confirming the system's ability to hold pressure over a specified period of time.

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"Purge test" means a test of the vehicle's evaporative emission control system to determine the ability of the system to properly recycle gasoline vapors captured and adsorbed on the charcoal in the system's canister. The purge test consists of determining the volume of vapor flow between the canister and the engine as measured during the course of the transient loaded (M240) exhaust emissions test.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle mode exhaust emission standards immediately following an initial idle mode failure.

"Smokemeter or Opacimeter"? An means an optical instrument designed to measure the opacity of smoke or diesel exhaust gases using the light extinction method.

"Snap-Idle Cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position while the vehicle is in neutral, holding the pedal in the position for no longer than ten seconds or until the engine reaches maximum speed RPM, and fully releasing the pedal so that the engine decelerates to normal idle.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Tier 1" means the exhaust emission standards required by the Clean Air Act as amended in 1990 that require auto makers to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen by 35% and 60%, respectively, from pre-existing standards, beginning with 40% of the

"Transient loaded mode test" means a vehicle emissions test run on an inertial and power absorbing dynamometer using USEPA's IM240 driving cycle consisting of accelerations and decelerations simulating on-road driving conditions.

"Test Procedure" means the preparation, preconditioning sequence and smoke opacity measurement processes using the snap idle cycle for

"Two-Speed--Idle--Test" speed idle test". means a vehicle emission test procedure consisting of the measurements of exhaust emission in high idle and idle modes.

(Source: Amended at 18 Ill. Reg.

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Section 240.104 Inspection

All motor vehicles subject to inspection pursuant to Section 13A-104 of the Illinois Vehicle Emissions Inspection Law (Title-Rev.-Statute-#9857-CH-9-#-t-27 Par. #3A-104) [625 ILCS 5/13A-104] shall comply with the exhaust emission standards for carbon monoxide and hydrocarbons set forth at Section 240.124 of this Part. All motor vehicles subject to inspection pursuant to Section 13B-15 of the Illinois Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Inspection Law of 1995) [625 ILCS 5/13B-15] (see P.A. 88-533), effective January 18, 1994, shall comply with applicable vehicle emission standards contained in Sections 240.152, 240.162, 240.163, 240.172, and 240.173 of this Part.

(Source: Amended DEC 14 1994) effective 18228,

Section 340105 Penalties

a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be subject to the penalties as set forth in Section 42 of the Act ~~titl7-Rev7-Stat7-#9857-ch7-#11-#127-Par7-#042~~ [415 ILCS 5/42].

b) Any violations of any provisions of Sections 240.104 and 240.124 of this Part shall be subject to the penalties as set forth in Sections 13A-112 and 13A-113 of the Vehicle Emissions Inspection Law ~~titl7-Rev7-Stat7-#9857-ch7-#127-Par7-#13A-#127-#13A-#133~~ [625 ILCS 5/13A-112 and 13A-113].

c) Any violations of Sections 240.152, 240.162, 240.163, 240.172, and 240.173 of this Part shall be subject to the penalties as set forth in Sections 13B-55 and 13B-60 of the Vehicle Emissions Inspection Law of 1995.

(Source: Amended DEC 4 1964 18 Ill. Reg. 18228, effective

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a) Any violations of Sections 240.103, 240.121, 240.122, and 240.123 of this Part shall be determined by visual observation or by a test procedure employing an opacity measurement system as qualified by 35 Ill. Adm. Code 201, Subpart J.

b) Any violations of Sections 240.124, 240.152, 240.162, 240.163, 240.172, or 240.173 of this Part shall be determined in accordance with test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

DEC 14 1994

(Source: Amended at 18 Ill. Reg. _____ effective _____)

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Section 240.107 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096; Report J2555 Diesel Engine Smoke Measurement (August 1978).
- b) International Standards Organization (ISO), Case Postale 56, 1211 Geneva 20, Switzerland; ISO 393 (Working Draft, January 1991). Also available from American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036.
- c) United States Environmental Protection Agency (USEPA), 2565 Plymouth Road, Ann Arbor, MI 48105; Report EPA-AA-EPSD-IM-93-1, High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications (April 1994).

(Source: Amended at 18 Ill. Reg. DEC 14 1994) **18 228**, effective

Section 240.124 Vehicle Exhaust Emission Standards

- a) Exhaust emissions from light duty vehicles shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.0	900
1972 - 1974	8.0	800
1975 - 1977	7.0	700
1978 - 1979	6.0	600
1980	3.0	300
1981 and later	1.2	220

- b) Exhaust emissions from light duty trucks, which for the purposes of this subsection means a motor vehicle rated at 8000 pounds gross vehicle weight or less which is designed for carrying more than 10 persons or is designed for the transportation of property, freight or cargo, or is a derivative of such a vehicle, shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.0	900
1972 - 1974	8.0	800
1975 - 1978	7.0	700
1979 - 1980	6.0	600
1981 - 1983	3.0	300
1984 and later	1.2	220

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- c) Exhaust emissions from heavy duty vehicles, which for the purposes of this subsection means a vehicle with 8001 pounds or greater manufacturer's maximum gross vehicle weight rating (GWR), shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.5	1500
1972 - 1978	9.0	900
1979 - 1984	7.0	700
1985 and later	3.0	300

(Source: Amended at 18 Ill. Reg. DEC 14 1994) **18 228**, effective

(Source: Amended at 18 Ill. Reg. DEC 14 1994) **18 228**, effective

Section 240.125 Compliance Determination

- a) For purposes of determining compliance with Section 240.124 of this Part, all vehicles shall be inspected while operating in the idle mode, and all 1981 and later model year light duty vehicles and light duty trucks (as defined in Subsection 240.124(b) of this Part) shall be inspected at high idle during a two-speed idle test.
- b) For purposes of determining compliance with Section 240.124 of this Part, all vehicles shall be inspected while operating in the idle mode, and all 1981 and later model year light duty vehicles and light duty trucks (as defined in Subsection 240.124(b) of this Part) shall be inspected at high idle during a two-speed idle test.

(Source: Amended at 18 Ill. Reg. DEC 14 1994) **18 228**, effective

SUBPART D: STEADY-STATE IDLE MODE TEST EMISSION STANDARDS**Section 240.151 Applicability**

The standards of Subpart D apply to all vehicles inspected upon implementation of the Vehicle Emissions Inspection Law of 1995 and identified in Subsections 13B-25(c) and (d) of that law utilizing steady-state exhaust emission test procedures adopted by the Agency.

(Source: Added at 18 Ill. Reg. DEC 14 1994) **18 228**, effective

Section 240.152 Steady-State Idle Mode Vehicle Exhaust Emission Standards

- a) Exhaust emissions from light duty vehicles shall not exceed the following limitations:

Model Year	Carbon Monoxide (%)	Hydrocarbons as Hexane (ppm)
1968 - 1971	9.0	900
1972 - 1974	8.0	800
1975 - 1977	7.0	700
1978 - 1979	6.0	600
1980	3.0	300
1981 and later	1.2	220

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1980 1981 and later	<u>3.0</u>	<u>220</u>
b) Exhaust emissions from light duty trucks 1 and light duty trucks 2 shall not exceed the following limitations:		
Model Year		
1968 - 1971	<u>Carbon Monoxide</u> <u>(%)</u> <u>9.0</u>	<u>Hydrocarbons as Hexane</u> <u>(LPPM)</u> <u>900</u>
1972 - 1974	<u>8.0</u>	<u>800</u>
1975 - 1978	<u>7.0</u>	<u>700</u>
1979 - 1980	<u>6.0</u>	<u>600</u>
1981 and later	<u>1.2</u>	<u>220</u>
c) Exhaust emissions from heavy duty vehicles shall not exceed the following limitations:		
Model Year		
1968 - 1971	<u>Carbon Monoxide</u> <u>(%)</u> <u>9.5</u>	<u>Hydrocarbons as Hexane</u> <u>(LPPM)</u> <u>1500</u>
1972 - 1978	<u>9.0</u>	<u>900</u>
1979 - 1984	<u>7.0</u>	<u>700</u>
1985 and later	<u>3.0</u>	<u>300</u>

(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

Section 240.153 Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions using the steady-state idle test while the vehicle to be tested is operating in the idle mode. The vehicle shall pass exhaust emissions inspection if at any time during the initial idle mode or second-chance idle mode of the steady-state idle test the measured values are at or below the applicable limits of Section 240.152 of this Subpart. Vehicles failing the initial idle mode shall undergo a loaded or high idle preconditioning mode and receive a second-chance idle mode unless no measured values less than 1800 ppm HC are obtained within an elapsed time of 30 seconds.

(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

SUBPART E: TRANSIENT LOADED MODE TEST EMISSION STANDARDS**Section 240.161 Applicability**

The standards of this Subpart apply to model year 1981 and newer light duty vehicles, light duty trucks 1, and light duty trucks 2 which are inspected utilizing transient IM240 loaded mode exhaust emission test procedures adopted by the Agency in 35 Ill. Adm. Code 276.

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(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

Section 240.162 Vehicle Exhaust Emission Start-up Standards

Vehicle exhaust emission start-up standards contained in Section 240.7 Table A of this Part shall apply for all vehicles subject to inspection until December 31, 1997. Tier 1 standards shall apply to all model year 1996 and newer vehicles and model year 1994 and newer vehicles certified to Tier 1 standards. All standards are expressed in grams per mile (gpm).

(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

Section 240.163 Vehicle Exhaust Emission Final Standards

Vehicle exhaust emission final standards contained in Section 240.7 Table B of this Part shall apply for all vehicles subject to inspection beginning on January 1, 1998. Tier 1 standards shall apply to all model year 1996 and newer vehicles and model year 1994 and newer vehicles certified to Tier 1 standards. All standards are expressed in grams per mile (gpm).

(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

Section 240.164 Compliance Determination

Compliance shall be determined based upon the measurement of exhaust emissions while operating the vehicle on a dynamometer and following the driving cycle as specified for the transient IM240 test procedures adopted by the Agency. If the corrected, composite emission rates exceed standards for any pollutant, additional analysis of test results shall review the second phase ("Phase 2") of the driving cycle separately. Phase 2 shall include second 94 through second 239 of the driving cycle. Second-by-second emission rates in grams and composite emission rates in grams per mile for Phase 2 and for the entire composite test shall be recorded for each pollutant. For any given pollutant, if the composite emission level is at or below the applicable Phase 2 standard, then the vehicle shall pass the test for that pollutant. Composite Phase 2 grams per mile emission level is at or below the applicable Phase 2 standard, and Phase 2 emission rates shall be calculated in accordance with procedures specified in "High-Tech I/M Procedures, Emissions Standards, Quality Control Requirements, and Equipment Specifications Final Technical Guidance" incorporated by reference at Section 240.107 of this Part.

(Source: Added DEC 14 1994 18 Ill. Reg. 18228, effective)

SUBPART F: EVAPORATIVE TEST STANDARDS

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Section 240.171 Applicability

- a) The standards of Section 240.172 of this Subpart shall apply to all model year 1968 and newer vehicles required at the time of manufacture to be equipped with evaporative emission control systems.
- b) The standards of Section 240.173 of this Subpart shall apply to model year 1981 and newer light duty vehicles, light duty trucks 1, and light duty trucks 2 that are inspected utilizing the transient loaded mode exhaust emission test procedures adopted by the Agency.

(Source: Added DEC 14 1994 18 Ill. Reg. **18228**, effective

Section 240. TABLE A Vehicle Exhaust Emission Start-Up Standards

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)
Tier 1 (1994+)	0.80	0.50	15.0	12.0	2.0	1.5pm)
1991-1995	1.20	0.75	20.0	16.0	2.5	2.0pm)
1983-1990	2.00	1.25	30.0	24.0	3.0	2.5pm)
1981-1982	2.00	1.25	60.0	48.0	3.0	3.0pm)

Light Duty Trucks 1:

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)
Tier 1 (1994+)	0.80	0.50	15.0	12.0	2.0	1.5pm)
(< 3750 Lvw)	1.00	0.63	20.0	16.0	2.5	2.0pm)
(> 3750 Lvw)	2.40	1.50	60.0	48.0	3.0	3.0pm)
1991-1995	2.40	1.50	80.0	64.0	3.5	3.5pm)
1988-1990	3.20	2.00	80.0	64.0	7.0	7.0pm)
1984-1987	3.20	2.00	100.0	80.0	7.0	7.0pm)
1981-1983	7.50	5.00				

Light Duty Trucks 2:

Model Years	Hydrocarbons		Carbon Monoxide		Oxides of Nitrogen	
	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)	Composite (gpm)	Phase 2 (gpm)
Tier 1 (1994+)	1.00	0.63	20.0	16.0	2.5	2.0pm)
(< 5750 Lvw)	2.40	1.50	60.0	48.0	4.0	4.0pm)
(> 5750 Lvw)	2.40	1.50	80.0	64.0	4.5	4.5pm)
1991-1995	3.20	2.00	80.0	64.0	5.0	5.0pm)
1988-1990	3.20	2.00	100.0	80.0	7.0	7.0pm)
1984-1987	3.20	2.00				
1981-1983	7.50	5.00				

(Source: Added at **18** Ill. Reg. **18228**, effective **DEC 14 1994**)

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Section 240. TABLE B Vehicle Exhaust Emission Final StandardsLight Duty Vehicles:

<u>Model Years</u>	<u>Hydrocarbons</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Carbon Monoxide</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Oxides of Nitrogen</u>	<u>Composite</u>	<u>Phase 2</u>
	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)
Tier 1 (1994+)	0.60	0.40	10.0	8.0	1.5	reserved	700.101,	700.102,	700.103
1983-1995	0.80	0.50	15.0	12.0	2.0	Reserved	700.104,	700.105	Repealed
1981-1982	0.80	0.50	30.0	24.0	2.0	Reserved	700.106		Amended

Light Duty Trucks 1:

<u>Model Years</u>	<u>Hydrocarbons</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Carbon Monoxide</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Oxides of Nitrogen</u>	<u>Composite</u>	<u>Phase 2</u>
	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)
Tier 1 (1994+)	0.60	0.40	10.0	8.0	1.5	reserved	700.107,	700.108,	700.109
(< 3750 LbW)	0.80	0.50	13.0	10.0	1.8	Reserved	700.201,	700.205,	700.210
(≥ 3750 LbW)	1.60	1.00	40.0	32.0	2.5	Reserved	700.215,	700.220,	700.225
1988-1995	1.60	1.00	40.0	32.0	4.5	Reserved	700.230,	700.235,	700.240
1984-1987	1.60	1.00	40.0	32.0	4.5	Reserved	700.245,	700.250,	700.255
1981-1983	3.40	2.00	70.0	56.0	4.5	Reserved			Repealed

Light Duty Trucks 2:

<u>Model Years</u>	<u>Hydrocarbons</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Carbon Monoxide</u>	<u>Composite</u>	<u>Phase 2</u>	<u>Oxides of Nitrogen</u>	<u>Composite</u>	<u>Phase 2</u>
	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)	(gpm)
Tier 1 (1994+)	0.80	0.50	13.0	10.0	1.8	Reserved			No
(< 5750 LbW)	0.80	0.50	15.0	12.0	2.0	Reserved			Does this rulemaking contain an automatic repeal date? No
(≥ 5750 LbW)	1.60	1.00	40.0	32.0	3.5	Reserved			Does this rulemaking contain incorporations by reference? No.
1988-1995	1.60	1.00	40.0	32.0	4.5	Reserved			Date Filed in Agency's Principal Office: Order adopted November 3, 1994.
1984-1987	1.60	1.00	40.0	32.0	4.5	Reserved			Notice of Proposal Published in Illinois Register:
1981-1983	3.40	2.00	70.0	56.0					September 9, 1994, at 18 Ill. Reg. 13572

(Source: Added at DEC 14 1994) 18 Ill. Reg. 1822A, effective 1822A, effective

1) Heading of the Part: OUTLINE OF WASTE DISPOSAL REGULATIONS2) Code Citation: 35 Ill. Adm. Code 700

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3) Section Numbers:4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].5) Effective Date of Rulemaking: December 20, 19946) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: Order adopted November 3, 1994.9) Notice of Proposal Published in Illinois Register:10) Has JCAR issued a Statement of Objections to these rules? No11) Difference(s) between proposal and final version:

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.

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- c) Plugging and abandonment plan.
- 1) The owner or operator shall prepare, maintain, and comply with a plan for plugging and abandonment of the wells or project that meets the requirements of 35 Ill. Adm. Code 730.110. For purposes of this subsection, temporary intermittent cessation of injection operations is not abandonment.
 - 2) Submission of Plan.
 - A) The owner or operator shall submit the plan on any forms prescribed by the Agency.
 - B) The owner or operator shall submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by subsection (i) (i.e., 45 days prior to plugging unless shorter notice is approved).
 - C) The plan shall include the following information:
 - i) The nature and quantity and material to be used in Plugging;
 - ii) The location and extent (by depth) of the plugs;
 - iii) Any proposed test or measurement to be made;
 - iv) The amount, size, and location (by depth) of casing to be left in the well;
 - v) The method and location where casing is to be parted; and
 - vi) The estimated cost of plugging the well.
 - D) After a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless the owner or operator:
 - i) Provides notice to the Agency;
 - ii) Describes actions or procedures, satisfactory to the Agency that the owner or operator will take to ensure that the well will not endanger USDW's during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless the operator obtains a variance from the technical requirements pursuant to 35 Ill. Adm. Code 104 and Title IX of the Environmental Protection Act.
 - E) The owner or operator of any well that has been temporarily abandoned (ceased operations for more than two years and has met the requirements of subsection (c)(2)(D)(i) and (c)(2)(D)(ii)) shall notify the Agency prior to resuming operation of the well.
 - d) Financial responsibility.
 - 1) The owner or operator or transferor of a Class I or Class III well is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the under ground injection operation in a manner acceptable to the Agency. The owner or operator shall show evidence of such responsibility.

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- ~~Financial responsibility to the Agency by the submission of a surety bond or other adequate assurance such as a financial statement until:~~
- A) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) above and 35 Ill. Adm. Code 730.110 and submission of a plugging and abandonment report has been made pursuant to subsection (k) below:
 - B) The well has been converted in compliance with the requirements of subsection (j) below; or
 - C) The transferor has received notice from the Agency that the transferee has demonstrated financial responsibility for the well. The owner or operator shall show evidence of such financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as a financial statement.
 - 2) The owner or operator was to have submitted such evidence no later than March 3, 1985. Where the ownership or operational control of the well was transferred later than March 3, 1985, the transferee shall submit such evidence no later than the date specified in the notice required pursuant to subsection (1)(2) below.
 - 3) The Agency may require the owner or operator to submit a revised demonstration of financial responsibility if the Agency has reason to believe that the original demonstration is no longer adequate to cover the cost of closing, plugging, and abandoning the well.
 - 4) The owner or operator of a well injecting hazardous waste shall comply with the financial responsibility requirements of 704 Subpart G.
 - 5) An owner or operator must notify the Agency by certified mail of the commencement of any voluntary or involuntary proceeding under Title 11 (Bankruptcy) of the United States Code that names the owner or operator as debtor, within 10 business days after the commencement of the proceeding. Any party acting as guarantor for the owner or operator for the purpose of financial responsibility must so notify the Agency if the guarantor is named as debtor in any such proceeding.
 - 6) In the event of commencement of a proceeding specified in subsection (d)(5) above, an owner or operator that has furnished a financial statement for the purpose of demonstrating financial responsibility under this section shall be deemed to be in violation of this subsection until an alternative financial assurance demonstration acceptable to the Agency is provided either by the owner or operator or by its trustee in bankruptcy, receiver, or other authorized party. All parties shall be prohibited from injecting into the well until such alternative financial assurance is provided.
- e) This subsection corresponds with 40 CFR 144.28(e), which pertains

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e) Deadlines for Class V Wells.

- 1) The owner or operator of a Class V well in which injection took place within one year after the date of approval by U.S. EPA of the Illinois UIC program, and who failed to submit inventory information for the well within the time specified in subsection (d) above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.
- 2) The owner or operator of a Class V well in which injection started later than March 3, 1985, shall submit inventory information prior to May 2, 1995.
- 3) The owner or operator of a Class V well in which injection started after May 2, 1994 shall submit inventory information prior to starting injection.
- 4) The owner or operator of a Class V injection well prohibited from injecting for failure to submit inventory information for the well within the time specified in subsection (e)(2) or (e)(3) above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.

(BOARD NOTE: Wells which that were in existence as of February-t March 3, 1984, were required to submit inventory information by February-t March 3, 1985. Since all wells other than Class V wells are not either prohibited or required to file permit applications, the inventory requirement will apply only to new Class V wells.)

(BOARD NOTE: See Derived from 40 CFR 144.26 (1993), as amended at 58 Fed. Reg. 63896 (December 3m 1883).)

(Source: Amended DEC 20 1994) 18 Ill. Reg. 18351, effective
(Source: Amended DEC 20 1994) 18 Ill. Reg. 18351, effective

Section 704.149 Requiring other Information

- a) In addition to the inventory requirements of the Section 704.148, the Agency may require the owner or operator of any well authorized by rule under this Subpart to submit information as deemed necessary by the Agency to determine whether a well may be endangering an underground source of drinking water in violation of Section 704.122.
- b) Such information requirements may include, but are not limited to:
- At₁ Performance of groundwater monitoring and the periodic submission of reports of such monitoring;
 - At₂ An analysis of injected fluids, including periodic submission of such analyses; and
 - At₃ A description of the geologic strata through and into which injection is taking place.

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3) Any request for information under this Section shall be made in writing, and include a brief statement of the reasons for requiring the information. An owner or operator shall submit the information within the time period(s) provided in the notice.

b) Any authorization-by-rule under this Subpart automatically terminates for any owner or operator who fails to comply with a request for information under this Section:

d) An owner or operator of an injection well authorized by rule under this Subpart is prohibited from injecting into the well upon failure of the owner or operator to comply with a request for information within the time period specified by the Agency pursuant to subsection (c) above. An owner or operator of a well prohibited from injection under this Section shall not resume injection except under a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.

(BOARD NOTE: See Derived from 40 CFR 144.27 (1993), as amended at 58 Fed. Reg. 63896 (Dec. 3, 1993).)

(Source: DEC 20 1994) 18 Ill. Reg. 18351, effective
(Source: DEC 20 1994) 18 Ill. Reg. 18351, effective

Section 704.150 Requirements for Class I and III Wells authorized by Rule

The following requirements apply to the owner or operator of a Class I or Class III well authorized by rule under this Subpart, as provided by Section 704.144.

a) The owner or operator shall comply with all applicable requirements of this Subpart and with Sections 704.121, 704.122, 704.201, 704.202, and 704.203. Any noncompliance with these requirements constitutes a violation of the Act and the Safe Drinking Water Act and is grounds for enforcement action, except that the owner or operator need not comply with these requirements to the extent and for the duration such noncompliance is authorized by an emergency permit under Section 704.163.

b) Twenty-four hour reporting. The owner or operator shall report any noncompliance which that may endanger health or the environment, including:

- 1) Any monitoring or other information which that indicates that any contaminant may cause an endangerment to a USDW; or
- 2) Any noncompliance or malfunction of the injection system which that may cause fluid migration into or between USDW's; or
- 3) Any information shall be provided orally within 24 hours from the time the owner or operator becomes aware of the circumstances. A written submission shall also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance; including exact dates and times; and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent

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b) The following---are---specific---examples---of---other---chapters---which---may---be
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 - 1) Incinerators---are---subject---to---Chapter 2---Air Pollution
 - 2) Open burning---of wastes---creating---a hazard---of---explosion---fire---or
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 - 3) Facilities---which---discharge---to---waters---of---the---State---must---obtain---an
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 - 5) Board---application---of---studge---is---regulated pursuant---to---Part---309.*
BOARD---NOTB---prior---to---codification---Part---IX---of---Chapter 3---Water
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 - 6) Coal---mine---overburden---returned---to---the---mine---site---is---subject---to
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by livestock waste disposal---is---subject---to---Subtitle E---Agritecture
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 - 7) Operation---of---public---water---supplies---is---subject---to---Subtitle
B---Public Water---Supplies---prior---to codification---Chapter 6---but
not---to---this---Chapter

(Source: Repealed at 18 Ill. Reg. 18244, effective

intended
Assignment-of-Part-numbers:
prefer-to 40-CPR
Name-or

Chapter - I -- Poetry - Center - Board

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(Source: Repealed at 18 Ill. Reg. 1824, effective 1000

Subchapter E: -Special-Waste-Operating-Requirements

Reserve-for-Chapter-9
Operating-Requirements
Reserve-for-Hazardous
Infectious-Hospital
Waste

Subchapter--E--General-Waste-Operating-Requirements

<pre> graph TD COO[Center-of-Operation] --- RfS[Reserved-for-Setting] COO --- Rfo[Reserved-for-Operating] </pre>	<pre> graph TD COO[Center-of-Operation] --- Requirements[Requirements] COO --- COO[Center-of-Operation] </pre>
<pre> graph TD COO[Center-of-Operation] --- COO[Center-of-Operation] </pre>	<pre> graph TD COO[Center-of-Operation] --- COO[Center-of-Operation] </pre>

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(Source: Repealed at 18 Ill. Reg. 1824, effective 1000

Subchapter E: -Special-Waste-Operating-Requirements

Reserve-for-Chapter-9
Operating-Requirements
Reserve-for-Hazardous
Infectious-Hospital
Waste

Subchapter--E--General-Waste-Operating-Requirements

 Reserved-for-Setting  Wishes-Operating  Requirements  Reserved	 Reserved-for-Operator  Center-control 
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Chapter-FF--Illinois-Environmental-Protection-Agency

Reserved for -IEPA-Use

(Source: Repealed at 18 Ill. Reg. **18244**, effective
DEC 20 1994)

Section 700.104 Intent and Purpose [Repealed]

a) Prior-to-phase-in-authorization--Agency-administered--the-RERA Resource-Conservation-and-Recovery Act-(P.L.-94-580-7-2 USE-6991) program-under-contract-with-USBPA--United-States-Environmental Protection-Agency)----The-affected-public-was-obliged-to-comply-both with-RERA-and-existing-Board-regulations--fitting-the-Board's-intention to-continue-this-during-the-interim-status-period--except--where--the contrary-intent-is-clearly-stated:

b) That--prior-to-RERA-permit-issuance-at-facilities-otherwise subject-to-Part-725-comply-with-it's-requirements--whether--or-not they-have-interim-status-under-40-CPR-t22.237-

2) That--prior-to-RERA-permit-issuance-facilities-which-would-have interim-status-under-40-CPR-t22.23--should-be-deemed--to--have-a permit--under--Section-2(t)(6)--of--the-Environmental Protection-Act titi--Rev-Stat--1981-rev-ch--titii-27-part-i02t6t7t8t9t10t11t12t13t14t15t16t17t18t19t20t21t22t23t24t25t26t27t28t29t30t31t32t33t34t35t36t37t38t39t40t41t42t43t44t45t46t47t48t49t50t51t52t53t54t55t56t57t58t59t60t61t62t63t64t65t66t67t68t69t70t71t72t73t74t75t76t77t78t79t80t81t82t83t84t85t86t87t88t89t90t91t92t93t94t95t96t97t98t99t100t101t102t103t104t105t106t107t108t109t110t111t112t113t114t115t116t117t118t119t120t121t122t123t124t125t126t127t128t129t130t131t132t133t134t135t136t137t138t139t140t141t142t143t144t145t146t147t148t149t150t151t152t153t154t155t156t157t158t159t160t161t162t163t164t165t166t167t168t169t170t171t172t173t174t175t176t177t178t179t180t181t182t183t184t185t186t187t188t189t190t191t192t193t194t195t196t197t198t199t190t191t192t193t194t195t196t197t198t199t200t201t202t203t204t205t206t207t208t209t2010t2011t2012t2013t2014t2015t2016t2017t2018t2019t2020t2021t2022t2023t2024t2025t2026t2027t2028t2029t2020t2021t2022t2023t2024t2025t2026t2027t2028t2029t2030t2031t2032t2033t2034t2035t2036t2037t2038t2039t2030t2031t2032t2033t2034t2035t2036t2037t2038t2039t2040t2041t2042t2043t2044t2045t2046t2047t2048t2049t2040t2041t2042t2043t2044t2045t2046t2047t2048t2049t2050t2051t2052t2053t2054t2055t2056t2057t2058t2059t2050t2051t2052t2053t2054t2055t2056t2057t2058t2059t2060t2061t2062t2063t2064t2065t2066t2067t2068t2069t2060t2061t2062t2063t2064t2065t2066t2067t2068t2069t2070t2071t2072t2073t2074t2075t2076t2077t2078t2079t2070t2071t2072t2073t2074t2075t2076t2077t2078t2079t2080t2081t2082t2083t2084t2085t2086t2087t2088t2089t2080t2081t2082t2083t2084t2085t2086t2087t2088t2089t2090t2091t2092t2093t2094t2095t2096t2097t2098t2099t2090t2091t2092t2093t2094t2095t2096t2097t2098t2099t20100t20101t20102t20103t20104t20105t20106t20107t20108t20109t20100t20101t20102t20103t20104t20105t20106t20107t20108t20109t20110t20111t20112t20113t20114t20115t20116t20117t20118t20119t20110t20111t20112t20113t20114t20115t20116t20117t20118t20119t20120t20121t20122t20123t20124t20125t20126t20127t20128t20129t20120t20121t20122t20123t20124t20125t20126t20127t20128t20129t20130t20131t20132t20133t20134t20135t20136t20137t20138t20139t20130t20131t20132t20133t20134t20135t20136t20137t20138t20139t20140t20141t20142t20143t20144t20145t20146t20147t20148t20149t20140t20141t20142t20143t20144t20145t20146t20147t20148t20149t20150t20151t20152t20153t20154t20155t20156t20157t20158t20159t20150t20151t20152t20153t20154t20155t20156t20157t20158t20159t20160t20161t20162t20163t20164t20165t20166t20167t20168t20169t20160t20161t20162t20163t20164t20165t20166t20167t20168t20169t20170t20171t20172t20173t20174t20175t20176t20177t20178t20179t20170t20171t20172t20173t20174t20175t20176t20177t20178t20179t20180t20181t20182t20183t20184t20185t20186t20187t20188t20189t20180t20181t20182t20183t20184t20185t20186t20187t20188t20189t20190t20191t20192t20193t20194t20195t20196t20197t20198t20199t20190t20191t20192t20193t20194t20195t20196t20197t20198t20199t20200t20201t20202t20203t20204t20205t20206t20207t20208t20209t20200t20201t20202t20203t20204t20205t20206t20207t20208t20209t20210t20211t20212t20213t20214t20215t20216t20217t20218t20219t20210t20211t20212t20213t20214t20215t20216t20217t20218t20219t20220t20221t20222t20223t20224t20225t20226t20227t20228t20229t20220t20221t20222t20223t20224t20225t20226t20227t20228t20229t20230t20231t20232t20233t20234t20235t20236t20237t20238t20239t20230t20231t20232t20233t20234t20235t20236t20237t20238t20239t20240t20241t20242t20243t20244t20245t20246t20247t20248t20249t20240t20241t20242t20243t20244t20245t20246t20247t20248t20249t20250t20251t20252t20253t20254t20255t20256t20257t20258t20259t20250t20251t20252t20253t20254t20255t20256t20257t20258t20259t20260t20261t20262t20263t20264t20265t20266t20267t20268t20269t20260t20261t20262t20263t20264t20265t20266t20267t20268t20269t20270t20271t20272t20273t20274t20275t20276t20277t20278t20279t20270t20271t20272t20273t20274t20275t20276t20277t20278t20279t20280t20281t20282t20283t20284t20285t20286t20287t20288t20289t20280t20281t20282t20283t20284t20285t20286t20287t20288t20289t20290t20291t20292t20293t20294t20295t20296t20297t20298t20299t20290t20291t20292t20293t20294t20295t20296t20297t20298t20299t20300t20301t20302t20303t20304t20305t20306t20307t20308t20309t20300t20301t20302t20303t20304t20305t20306t20307t20308t20309t20310t20311t20312t20313t20314t20315t20316t20317t20318t20319t20310t20311t20312t20313t20314t20315t20316t20317t20318t20319t20320t20321t20322t20323t20324t20325t20326t20327t20328t20329t20320t20321t20322t20323t20324t20325t20326t20327t20328t20329t20330t20331t20332t20333t20334t20335t20336t20337t20338t20339t20330t20331t20332t20333t20334t20335t20336t20337t20338t20339t20340t20341t20342t20343t20344t20345t20346t20347t20348t20349t20340t20341t20342t20343t20344t20345t20346t20347t20348t20349t20350t20351t20352t20353t20354t20355t20356t20357t20358t20359t20350t20351t20352t20353t20354t20355t20356t20357t20358t20359t20360t20361t20362t20363t20364t20365t20366t20367t20368t20369t20360t20361t20362t20363t20364t20365t20366t20367t20368t20369t20370t20371t20372t20373t20374t20375t20376t20377t20378t20379t20370t20371t20372t20373t20374t20375t20376t20377t20378t20379t20380t20381t20382t20383t20384t20385t20386t20387t20388t20389t20380t20381t20382t20383t20384t20385t20386t20387t20388t20389t20390t20391t20392t20393t20394t20395t20396t20397t20398t20399t20390t20391t20392t20393t20394t20395t20396t20397t20398t20399t20400t20401t20402t20403t20404t20405t20406t20407t20408t20409t20400t20401t20402t20403t20404t20405t20406t20407t20408t20409t20410t20411t20412t20413t20414t20415t20416t20417t20418t20419t20410t20411t20412t20413t20414t20415t20416t20417t20418t20419t20420t20421t20422t20423t20424t20425t20426t20427t20428t20429t20420t20421t20422t20423t20424t20425t20426t20427t20428t20429t20430t20431t20432t20433t20434t20435t20436t20437t20438t20439t20430t20431t20432t20433t20434t20435t20436t20437t20438t20439t20440t20441t20442t20443t20444t20445t20446t20447t20448t20449t20440t20441t20442t20443t20444t20445t20446t20447t20448t20449t20450t20451t20452t20453t20454t20455t20456t20457t20458t20459t20450t20451t20452t20453t20454t20455t20456t20457t20458t20459t20460t20461t20462t20463t20464t20465t20466t20467t20468t20469t20460t20461t20462t20463t20464t20465t20466t20467t20468t20469t20470t20471t20472t20473t20474t20475t20476t20477t20478t20479t20470t20471t20472t20473t20474t20475t20476t20477t20478t20479t20480t20481t20482t20483t20484t20485t20486t20487t20488t20489t20480t20481t20482t20483t20484t20485t20486t20487t20488t20489t20490t20491t20492t20493t20494t20495t20496t20497t20498t20499t20490t20491t20492t20493t20494t20495t20496t20497t20498t20499t20500t20501t20502t20503t20504t20505t20506t20507t20508t20509t20500t20501t20502t20503t20504t20505t20506t20507t20508t20509t20510t20511t20512t20513t20514t20515t20516t20517t20518t20519t20510t20511t20512t20513t20514t20515t20516t20517t20518t20519t20520t20521t20522t20523t20524t20525t20526t20527t20528t20529t20520t20521t20522t20523t20524t20525t20526t20527t20528t20529t20530t20531t20532t20533t20534t20535t20536t20537t20538t20539t20530t20531t20532t20533t20534t20535t20536t20537t20538t20539t20540t20541t20542t20543t20544t20545t20546t20547t20548t20549t20540t20541t20542t20543t20544t20545t20546t20547t20548t20549t20550t20551t20552t20553t20554t20555t20556t20557t20558t20559t20550t20551t20552t20553t20554t20555t20556t20557t20558t20559t20560t20561t20562t20563t20564t20565t20566t20567t20568t20569t20560t20561t20562t20563t20564t20565t20566t20567t20568t20569t20570t20571t20572t20573t20574t20575t20576t20577t20578t20579t20570t20571t20572t20573t20574t20575t20576t20577t20578t20579t20580t20581t20582t20583t20584t20585t20586t20587t20588t20589t20580t20581t20582t20583t20584t20585t20586t20587t20588t20589t20590t20591t20592t20593t20594t20595t20596t20597t20598t20599t20590t20591t20592t20593t20594t20595t20596t20597t20598t20599t20600t20601t20602t20603t20604t20605t20606t20607t20608t20609t20600t20601t20602t20603t20604t20605t20606t20607t20608t20609t20610t20611t20612t20613t20614t20615t20616t20617t20618t20619t20610t20611t20612t20613t20614t20615t20616t20617t20618t20619t20620t20621t20622t20623t20624t20625t20626t20627t20628t20629t20620t20621t20622t20623t20624t20625t20626t20627t20628t20629t20630t20631t20632t20633t20634t20635t20636t20637t20638t20639t20630t20631t20632t20633t20634t20635t20636t20637t20638t20639t20640t20641t20642t20643t20644t20645t20646t20647t20648t20649t20640t20641t20642t20643t20644t20645t20646t20647t20648t20649t20650t20651t20652t20653t20654t20655t20656t20657t20658t20659t20650t20651t20652t20653t20654t20655t20656t20657t20658t20659t20660t20661t20662t20663t20664t20665t20666t20667t20668t20669t20660t20661t20662t20663t20664t20665t20666t20667t20668t20669t20670t20671t20672t20673t20674t20675t20676t20677t20678t20679t20670t20671t20672t20673t20674t20675t20676t20677t20678t20679t20680t20681t20682t20683t20684t20685t20686t20687t20688t20689t20680t20681t20682t20683t20684t20685t20686t20687t20688t20689t20690t20691t20692t20693t20694t20695t20696t20697t20698t20699t20690t20691t20692t20693t20694t20695t20696t20697t20698t20699t20700t20701t20702t20703t20704t20705t20706t20707t20708t20709t20700t20701t20702t20703t20704t20705t20706t20707t20708t20709t20710t20711t20712t20713t20714t20715t20716t20717t20718t20719t20710t20711t20712t20713t20714t20715t20716t20717t20718t20719t20720t20721t20722t20723t20724t20725t20726t20727t20728t20729t20720t20721t20722t20723t20724t20725t20726t20727t20728t20729t20730t20731t20732t20733t20734t20735t20736t20737t20738t20739t20730t20731t20732t20733t20734t20735t20736t20737t20738t20739t20740t20741t20742t20743t20744t20745t20746t20747t20748t20749t20740t20741t20742t20743t20744t20745t20746t20747t20748t20749t20750t20751t20752t20753t20754t20755t20756t20757t20758t20759t20750t20751t20752t20753t20754t20755t20756t20757t20758t20759t20760t20761t20762t20763t20764t20765t20766t20767t20768t20769t20760t20761t20762t20763t20764t20765t20766t20767t20768t20769t20770t20771t20772t20773t20774t20775t20776t20777t20778t20779t20770t20771t20772t20773t20774t20775t20776t20777t20778t20779t20780t20781t20782t20783t20784t20785t20786t20787t20788t20789t20780t20781t20782t20783t20784t20785t20786t20787t20788t20789t20790t20791t20792t20793t20794t20795t20796t20797t20798t20799t20790t20791t20792t20793t20794t20795t20796t20797t20798t20799t20800t20801t20802t20803t20804t20805t20806t20807t20808t20809t20800t20801t20802t20803t20804t20805t20806t20807t20808t20809t20810t20811t20812t20813t20814t20815t20816t20817t20818t20819t20810t20811t20812t20813t20814t20815t20816t20817t20818t20819t20820t20821t20822t20823t20824t20825t20826t20827t20828t20829t20820t20821t20822t20823t20824t20825t20826t20827t20828t20829t20830t20831t20832t20833t20834t20835t20836t20837t20838t20839t20830t20831t20832t20833t20834t20835t20836t20837t20838t20839t20840t20841t20842t20843t20844t20845t20846t20847t20848t20849t20840t20841t20842t20843t20844t20845t20846t20847t20848t20849t20850t20851t20852t20853t20854t20855t20856t20857t20858t20859t20850t20851t20852t20853t20854t20855t20856t20857t20858t20859t20860t20861t20862t20863t20864t20865t20866t20867t20868t20869t20860t20861t20862t20863t20864t20865t20866t20867t20868t20869t20870t20871t20872t20873t20874t20875t20876t20877t20878t20879t20870t20871t20872t20873t20874t20875t20876t20877t20878t20879t20880t20881t20882t20883t20884t20885t20886t20887t20888t20889t20880t20881t20882t20883t20884t20885t20886t20887t20888t20889t20890t20891t20892t20893t20894t20895t20896t20897t20898t20899t20890t20891t20892t20893t20894t20895t20896t20897t20898t20899t20900t20901t20902t20903t20904t20905t20906t20907t20

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issuance--of--RERA--permits--became--effective--on--the--effective--date--of this--Section--. However, RERA--permits--shall--not--be--issued--prior--to--the date--upon--which--USEPA--grants--final--authorization--for--any--component--of the--Phase--II--RERA--Program.

•) 35--III--Adm--Code--703--and--724 became--effective--October--12--1983-- however--RERA--permits--shall--not--be--issued--prior--to--the--date--on--which USEPA--grants--final--authorization--to--the--Agency--to--issue--permits--for that--class--of--facility--or--unit:

(Source: Amend^d 1994 t 18 Ill. Reg. **18 244**, effective

Section 700.107 Severability (Repealed)

In--the--event--any--portion--of--part--700--is--declared--invalid--by--a--final--order--no longer--subject--to--appeal--of--any--court--or--competent--jurisdiction--then--the entirety--of--Part--700--except--for--Section--700.700--shall--be--inapplicable--until the--Board--acts--to--revalidate--it--. During--the--period--of--inapplicability--persons subject--to--Chapter--77--9--or--Part--702--through--730--shall--comply--fully--with--each--as they--are--made--applicable--under--their--own--terms--including--use--of--separate Chapter--9--and--RERA--manifests--provided--however--that--persons--shall--comply--only with--those--provisions--of--Chapter--7--or--9--which--are--not--inconsistent--with--and--at least--as--stringent--as--Parts--702--through--730:

(Source: DEC 20 1994 t 18 Ill. Reg. **18 244**, effective

Section 700.108 References to Federal Rules (Repealed)

References--to--the--Code--of--Federal--Regulations--and--other--materials--referred--to but--not--reproduced--in--this--Chapter--are--as--of--the--date--of--adoption--or--last amendment--by--the--Board--of--the--section--in--which--the--reference--occurs:

(Source: Repealed DEC 20 1994 t 18 Ill. Reg. **18 244**, effective

Section 700.109 Permits Prior to Authorization (Repealed)

Persons--who--have--federal--interest--in--status--pursuant--to--40--CFR--122.23--shall--be deemed--in--compliance--with--the--Permit--Requirement--of--Section--2116(t)--of--the--Act from--the--effective--date--of--Part--02--380--until--May--17--1982:

(Source: Repealed DEC 20 1994 t 18 Ill. Reg. **18 244**, effective

SUBPART B: DEFINITIONS

Section 700.201 Definitions (Repealed)

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Other--terms--used--in--Part--700--have--the--same--meaning--as--those--used--in--the--Act--and other--Board--negotiations--incuding--Chapter--77--Solid--Waste--Disposal--or--Chapter--9--Special--Waste--Transportation--and--Part--702--through--730--because--Part--700 contains--rules--which--reconcile--these--regulations--it's--necessary--to--use--terms as--they--are--used--in--the--other--trueuses--. The--source--of--the--definition--should--be clear--from--the--context--. The--source--of--the--definitions--contains--definitions--aplicable--only--to Part--700:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.205 Act (Repealed)

In--Part--700--"Act" means--the--Illinois--Environmental--Protection--Act--. Revert Statute--1979--Ch--77--t77--Section--101--et--seq--. t-

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.210 Chapter 7 Operating Requirements (Repealed)

Part--III--of--Chapter--77:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.215 Chapter 7 Permits (Repealed)

Permits--required--pursuant--to--Part--II--of--Chapter--77:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.220 Chapter 9 Operating Requirements (Repealed)

Parts--9--through--VII--of--Chapter--97--excluding--various--provisions--which--are--part--rules--such--as--Rule--60(t):

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.225 Chapter 9 Permits (Repealed)

Special--waste--hazardous--permits--required--pursuant--to--Part--II--of--Chapter--97:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective

Section 700.230 Conflict (Repealed)

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As--used--in--Part--700--"conflict--means--an--unresolved--inconsistency--between Chapter--3--or--Chapter--9--and--Parts--720--through--7257--which--appears--to--require--the performance--of--mutuality--excusive--acts--by--persons--affected--by--the--rules--inconsistent--definitions--are--not--the--same--conflict--although--they--may--give rise--to--conflict--subsantive--regulations--in--Part--700--the--Board--has--provided--general--rules--for--the resolution--of--conflicts--which--may--arise--in--application:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.235 HWM (Repealed)

HWM--means--hazardous--waste--management--site:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.240 Operating Requirements (Repealed)

Regulations--which--apply--directly--to--the--affected--public--other--than--requirements to--obtain--a--permit--and--other--than--requirements--concerning--application--for--modification--of--conditions--to--be--included--in--and--issuance--of--permits:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.245 Permit Requirements (Repealed)

Regulations--which--require--permits--together--with--related--regulations--concerning application--modification--conditions--and--issuance--of--permits:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.250 RCRA Operating Requirements (Repealed)

Parts--7207--7217--7227--7237--724--and--725:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.255 RCRA Permit (Repealed)

Permit--required--under--Section--21(e)--of--the--Act--which--may--be--deemed--issued--under Section--700--to--5:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

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Section 700.260 RCRA Rules (Repealed)

The--term--"RERA--rules"--means--Board--rules--which--are--intended--to--be--identical--in substance--to--those--USEPA--rules--adopted--pursuant--to--the--Resource--Conservation and--Recovery--Act--(42--USC--6901--et--seq.).--This--includes--Parts--7207--7217--7227--723 end--725.

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.265 Subject To (Repealed)

In--this--Part--the--term--"subject--to"--get--of--rules--means--a--person--would--have--to comply--with--that--set--of--rules--if--they--were--read--apart--from--other--rules--For example--"subject--to"--RERA--rules--means--that--the--person--should--have--co--comply with--corresponding--USEPA--rules--under--a--USEPA--administered--program--in--the absence--of--Board--regulations--Appendix--I--contains--a--table--listing--important provisions--which--determine--the--applicability--of--various--rules:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

SUBPART C: GENERATORS

Section 700.301 Permits (Repealed)

a) Neither--Chapter--9--nor--the--RERA--rules--imposes--a--permit--requirement--on generators--as--such:
b) Generators--must--obtain--an--EPA--identification--number--from--USEPA pursuant--to--Part--7227:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.302 Operating Requirements (Repealed)

a) Generators--which--are--subject--to--RERA--rules--but--not--Chapter--9--shall comply--only--with--RERA--operating--requirements;
b) Generators--which--are--subject--to--Chapter--9--but--not--RERA--rules--shall comply--only--with--Chapter--9--operating--requirements;
c) Generators--subject--co--both--RERA--rules--and--Chapter--9--shall--comply--with both--However--in--the--event--of--conflict--RERA--rules--shall--prevail;
d) As--used--in--this--section--operating--requirements--do--not--include--rules relating--to--manifests:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective DEC 20 1994)

Section 700.303 Manifests (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- a) Manifest requirements of Subpart-B--of--Part--722--provide--that--the generator--must--forward a copy of manifest to the Agency in addition to the actions which would be required under 40 CFR Part 62;
- b) Generators subject to RERA--rates--shall--comply--with--the--manifest requirements--of--Part--722--Subpart-B--Compliance--shall--be--deemed compliance with chapter 9--manifest requirements;
- c) No--person--shall--deceive--transport--off--site--or--offer--for transportation--off--site--waste--without--a--manifest--if--a--manifest is required under either Chapter 9 or the RERA rates.

(Source: Repealed at 18 Ill. Reg. **18-244**, effective DEC 20 1994)

Section 700.304 Small Quantity Exemptions (Repealed)

- a) Chapter 9--has--a--100--kg--monthly--kilograms--per--month--exemption--(Rate 210);
 b) The--RERA--rates--have--1000--kg--monthly--exemption--coupled with a--100--kg--monthly--exemption--for--acute--hazardous--waste--and--other--small--quantity--rates
 section 721+05;
- c) A--generator--is--exempt--from--Chapter 9--if--it--generates--less--than--100 kg--monthly--of--acute--hazardous--waste--which--is hazardous--and--RERA--rates--(Rate 210);
- d) A--generator--is--exempt--from--the RERA--rates--if--it--generates--less--than 100--kg--monthly--of--RERA--hazardous--waste--which--is--less--than--100--kg--monthly--of--acute--hazardous--waste--under--Chapter 9--or--prompted--however--that--the generator--may--be--subject--to--the--RERA--rates--with--smaller--quantities--as set out in Section 721+05;
- e) The--generator--must--make--the--first--determination--as--to--whether--a--waste is subject to Chapter 9--or--RERA--rates--and--whether--it--is--exempt--(Rate 50);
 f) The following table summarizes the small--quantity--exemptions:
- | | | |
|-----------------------|-----------------------------------|---------------------------|
| Quantity
Per Month | *RERA-Hazardous-Waste
Manifest | Special-Waste
Manifest |
|-----------------------|-----------------------------------|---------------------------|

Requier-----A

Applicable

Applicable

Exempt

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Section 700.404 Small Quantity Exemptions (Repealed)

- a) Small-quantity-exemptions-are-directly-applicable-only-to-generators in both-Chapter-9-and-the-RERA-rates
 b) Transporter-must-obtain-Chapter-9-permits-and-Agency-identification numbers--even-if-they-only-transport-loads--which-do-not-require manifests-because-of-small-quantity-exemption---However--this--does not-apply-to-an-exempt-generator who-transports-his-own-waste: USEPA identification-numbers-are-not-required-of-transporters-who-hand-only exempt-waste:
 BOARD-NOPB--Transporters--should--obtain--a--certificate--from-the generator--that-a-load-is-subject-to-exemption-under-Chapter-9-and-RERA rates-prior-to-accepting-unmanifested-waste-(725-767).-

(Source: DEC 20 1994 18 Ill. Reg. 18 244, effective

SUBPART E: OWNERS AND OPERATORS OF HWM SITES

Section 700.501 Permits (Repealed)

- a) Section--21(6)--of--the--Environmental-Protection-Act-and-35-III-Admin-Code-703--requires--RERA-permits--for--owners-and--operators--of--HWM facilities--35-III-Admin-Code-703--contains--unintended--status--which--provide--that--RERA--permits--are--deemed--issued--for--certain facilities:
 b) After final--authorization--the--owner--or--operator--of--an--HWM facility--for--which--an--actual--RERA--permit--has--been--issued--must obtain--a--permit--pursuant--to--Section-21(6)--of--the--Environmental Protection--Act--and--35-III-Admin-Code-807-201--and--807-202--only for--treatment--storage--and--disposal--units--which--accept non-hazardous--waste--and--which--are--otherwise--subject--to--that permit--requirement--The--Agency--may--considate--these--permits--for review--

- 2+) Until--final--authorization--HWM--owners--and--operators--must--obtain permits--pursuant--to--Section-21(6)--of--the--Environmental Protection Act--and--35-III-Admin-Code-807-201--and--807-202--if--they--are--subject to--house--rates--Exemptions--of--facilities--subject--to--the--RERA--rates but--not--Chapter--7--include--activities--conducting--open--burning--of explosive--waste--or--land--application--of--sludge;

- c) Owners--and--operators--subject--to--the--RERA--rates--must--obtain--a--USEPA identification--number--from--USEPA--(Section-725--it).

(Source: Repealed at 18 Ill. Reg. 18 244, effective

Section 700.502 Operating Requirements (Repealed)

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a) Owners--and--operators--who--are--subject--to--RERA--operating--requirements--of--Part--725--but--not--Part--77--of--Chapter--7--shall--comply--with--Part--725--for--example--states--conducting--open--burning--of--explosive--waste--are--not subject--to--Chapter--7--operating--requirements--

- b) Owners--and--operators--who--are--subject--to--the--operating--requirements--of Chapter--77--Part--777--but--not--Part--7257--shall--comply--only--with--Chapter--77--Part--777--For--example--conducting--open--burning--of--explosive--waste--are--not--subject--to--Chapter--77--if--they--accept--only--garbage--and--spectre--gas--defined--in--the--RERA--rates--9--which--is--not--hazardous--gas--defined--in--the--RERA--rates--9--Owners--and--operators--subject--both--to--the--operating--requirements--of Part--725--and--Part--777--of--Chapter--7--must--comply--with--both--However--in--the--event--of--conflict--Part--725--controls--
 c) Separate--A--contains--rules--on--application--of--other--Board--chapters--
 d) As used in this section, operating requirements do not include rules relating to manifests;

(Source: Repealed at 18 Ill. Reg. 18 244, effective

Section 700.503 Manifests (Repealed)

a) The--HWM--owner--or--operator--must--forward--a--copy--of--manifests--to--the--Agency--in--addition--to--the--actions--which--would--be--required--under--46-GPR Part--265--(Section--725-77);

- b) For--waste--which--is--subject--to--Chapter--9--but--not--the--RERA--rules--7--the owner--or--operator--need--comply--only--with--the--Chapter--9--manifests--rules--For--waste--which--is--subject--to--both--the--Chapter--9--and--RERA--rules--7--the owner--or--operator--shall--comply--with--the--manifests--requirements--of--part--7257--Subpart--B--7--This--is--deemed--compliance--with--the--requirements--of Rule--302--of--Chapter--9--
 B9RB--N9RB--It--is--recommended--that--the--owner--or--operator--comply--with--Section--725-767--unmanifested--waste--report--regardless--of--whether--the waste--is--unmanifested--because--it--is--claimed--to--be--exempt--under--the RERA--rules--or--Chapter--9--The--owner--or--operator--should--request--a certificate--from--the--generator--or--transporter--before--accepting unmanifested--waste--claimed--to--be--exempt--under--the--law--by--accepting--Rule--310.

(Source: Repealed at 18 Ill. Reg. DEC 20 1994)

Section 700.504 Small Quantity Exemptions (Repealed)

Small--quantity--exemptions--are--not--generally--directly--applicable--to--owners--and operators--of--Chapter--7--prohibited--filling--of--hazardous--waste--in--any--quantity without--a--proper--permit--(rule--3017--BOARD-NOPB--The--owner--or--operator--should--comply--an--unmanifested--waste--report for--waste--which--is--received--without--a--manifest--regardless--of--whether--exempt or--claimed--under--Chapter--9--or--the--RERA--rules--7--The--owner--or--operator--should

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request-a-certificate-pursuant-to-Section-725.176-for-waste-which-is--claimed
to-be-exempt-under-Chapter-9:

(Source: Repealed at 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section 700.601 Hazardous (Infectious) Hospital Waste (Repealed)

a) Hazardous-(infectious)-hospital-waste-as-defined-in-Section-3-of-the
Act-and-Rule-901-of-Chapter-9--Pre-determination-of-hazardous--found-in
Part-720-is-not-intended-to-be-referred-with-this-definition--hazardous
(infectious)--hospital-waste--is-not-necessary-a-hazardous--waste
subject-to-the-RERA-rules--However-it-may-be-RERA-unazar,
applicability-of-the-RERA-rules-to-determined-by-the-language--is-found
there;

b) Hazardous-(infectious)--hospital--wastes-a-special-waste-within-the
meaning-of-Chapter-9;

(Source: Dec 20 1994 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

Section 700.602 General Rule (Repealed)

A--Person--who--is--subject-to-part-IX-of-Chapter-9--but--not--the--RERA--rules--shall
comply-with-Part-IX-of-Chapter-9-but-not-the--RERA--rules--A--person--who--is
subject-to-both-Part-IX-of-Chapter-9-and-the-RERA-rules--shall-comply-with-both
However--in--the--event--of--a--contingency--the--RERA--rules--control--except--that
hazardous-(infectious)-hospital-waste-cannot-be-landfilled;

(Source: Repealed at 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

Section 700.603 Generators (Repealed)

A--Person--who--generates--hazardous--(infectious)-hospital-waste--which-is--also
hazardous-under-the-RERA-rules--must--comply-with--the--applicable--requirements
including:

a) USBPA-identification-number-(Section-322.120)
b) Manifest requirements-(Section-722.120)

(Source: Repealed at 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

Section 700.604 Transporters (Repealed)

A--Person--who--transports--hazardous--(infectious)-hospital-waste--which--is--also
Chapter-9--transporter--permit--Rule-201-of-Chapter-9--must--have--a
transporter--permit--Rule-201-of-Chapter-9--if--it--is--a--RERA

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hazardous--a-USBPA--identification-number--is--required--(Section-723.111)-
transportation--may--require-a-manifest-(Section-723.120-or-Rule-501-of-Chapter
9);-

(Source: Repealed at 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

Section 700.605 Owners and Operators (Repealed)

- a) A-person-who-tenders-innocuous-hazardous-(infectious)--hospital-waste
which--is--at--RERA--hazardous--is--an--HHA--owner--or--operator--who--is
subject--to--Part--725.176--Phases--is--subject--to--the--treatment--to
the--effective--against--the--RERA--hazardous--component--For--example--an
owner--or--operator--who--sterilizes--infectious--wastes--with--a--RERA
hazardous--only--because--of--a--toxic--component--unrelated--by--sterilization
is--treating--hazardous--waste--(Section-728.110) and Section-722.120--
A--person-who-tenders-hazardous-(infectious)--hospital-waste--innocuous
by--incineration--is--subject--to--an--incinerator--permits--requirement--Rule
103--of--Chapter-2--and--Rule-904--of--Chapter-97--Section-729.102;
- b) A--person-who-tenders-innocuous-hazardous-(infectious)--hospital-waste
may--become--a--hazardous--or--specialty--waste--generator--is--the--treatment--a
shipment--of--innocuous--waste--which--is--under--the--RERA--rules--a
or--special--under--Chapter-9-(Section-3--of--the--Act--Rule-901--of--Chapter
9--and--Section-722.120);--For--example--an--infection--waste--which--has
been--sterilized--but--which--also--contains--a--toxic--component--would
require--a--manifest--for--further--treatment--or--disposal;
d) Innocuous--waste--which--is--not--hazardous--may--be--landfilled--only--in
facilities--which--have--a--Chapter-7--permit--(Rule-904--of--Chapter-9);
e) Hazardous--(infectious)--hospital-waste--may--not--be--deposited--in
landfills--(Section-211--of--the--Act);

(Source: Dec 20 1994 at 18 Ill. Reg. **18 244**, effective
DEC 20 1994)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 700. APPENDIX A Applicability Provisions (Repealed)

The following table lists rules which are important in determining the applicability of various sets of regulations under the RERA rules.

Section 700.101

Section 700.100 et seq.

Part 720----->
Appendix A----->
Part 721----->
Subpart A----->

Permits-by-Rule-and
Interim-Status

Definition-of-RERA
Hazardous-Waste and
Small-Quantity-Exemptions

Generators

722.10

Transporters

723.10

HWM-Owners-and
Operators

Section 724.101 and
Section 725.101

Definition-of-Special
Waste

Rule 103

Special-Waste-Permits

Rule 201

Small-Quantity-Exemptions

Rule 211

Transporter-Exemptions

Definition-of
Hazardous
Waste

Section 726.104

Definition-of-Solid
Waste-Management

Section 726.105

Definition-of-Waste

Permit-Requirements
and 302

Rules 2017-202
and 302

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Special-Waste-Permits

Source: Repealed at 18 Ill. Reg. **1824**, effective

Rate 310
DEC 20 1994)

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RERA-Permit-Requirement

Section 700.101

Permits-by-Rule-and
Interim-Status

Definition-of-RERA

Hazardous-Waste and

Small-Quantity-Exemptions

Subpart A----->

Generators

722.10

Transporters

723.10

HWM-Owners-and
Operators724.101 and
725.101Definition-of-Special
Waste

Rule 103

Special-Waste-Permits

Rule 201

Small-Quantity-Exemptions

Rule 211

Transporter-Exemptions

Definition-of
Hazardous
Waste

Section 726.104

Definition-of-Solid
Waste-Management

Section 726.105

Definition-of-Waste

Permit-Requirements
and 302

Rules 2017-202
and 302

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: PROCEDURES FOR PERMIT ISSUANCE2) Code Citation: 35 Ill. Adm. Code 7053) Section Numbers:

Adopted Action:

705.101 Amended
 705.102, 705.103, 705.121 Amended
 705.122, 705.123, 705.124 Amended
 705.125, 705.126, 705.127 Amended
 705.141, 705.142, 705.144 Amended
 705.151, 705.162, 705.164 Amended
 705.165, 705.181, 705.182 Amended
 705.183, 705.184, 705.201 Amended
 705.202, 705.203, 705.204 Amended
 705.205, 705.210, 705.211 Amended
 705.212 Amended

4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

5) Effective Date of Rulemaking: December 20, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: Order adopted November 3, 1994.

9) Notice of Proposal Published in Illinois Register:
September 9, 1994, at 18 Ill. Reg. 13594

10) Has JCAR issued a Statement of Objections to these rules? No
Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.

11) Differences(s) between proposal and final version:
The Board received several suggestions from JCAR staff and the Secretary of State for corrections to the text of the amendments as proposed. The Board tabulates the suggested corrections and our resulting actions as follows
(sources of suggested corrections are indicated with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; (*) denotes a Section not included in proposed rule):

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section (Source of Revision)

Board Action

705. authority note (4)

Corrected citation with plural "Sections"; replaced citation to the Illinois Revised Statutes with a citation to the Illinois Compiled Statutes

705.121 end Board note (1)

Removed underlining from "3(a)" Restored citation to federal subsection (e) by deleting amendment to subsection (d)

Indicated "Section" as existing text by deleting amendment from "Sec."

Capitalized "Part" in the text; deleted words "processing of two or more applications for those permits" from pre-existing text as rendered awkward by the amendments

705.124 end Board note (1)

Deleted the parenthesis from the end of the first sentence

Removed comma added between the words "basis" and "for"

705.125 (1)

Replaced ending period with semicolon and word "and"

Capitalized "Section" in the text

705.126

Removed overstruck comma from between the words "Agency" and "snail"

Capitalized "Section" in the text

705.141(d) (1)

705.203(a) (2)

POLLUTION CONTROL BOARD

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705.204(a) (2) Capitalized "Section" in the text

705.205(a)(1) (2) Capitalized "Section" in the text

705.210 and Board note (1) Added parentheses to the date in the Code of Federal Regulations citation

705.211 (1) Added the date to the Code of Federal Regulations citation

705.211(d) (2) Capitalized "Section" in the text

705.212(b) (2) Capitalized "Part" in the text

705.212(d) (1) Revised amendments to indicate change from "paragraphs" to "subsection"; Corrected the title and citation of Administrative Review Law

In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(d)(2), 704.144(b), 704.150(f)(2)(B), and 704.194.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the preceding question, the Board modified several passages of the amendments in response to these suggestions.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this part? No

- 15) Summary and Purpose of Rulemaking:

A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5

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of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Fed. Reg. 63890 (Dec. 3, 1994). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704, and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the citations to the Federal sources in the Board notes for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulation; we substituted a date certain where all these references appeared in the open parts and amended Section 700.106 itself to directly cite the appropriate dates.

In particular, the amendments to Part 705 make corrective and clarifying amendments of the types described above.

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael McCambridge
 Attorney
 Illinois Pollution Control Board
 100 W. Randolph 11-500
 Chicago, IL 60610
 312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 705

PROCEDURES FOR PERMIT ISSUANCE

SUBPART A: GENERAL PROVISIONS

Section	Scope and Applicability	Definitions	Computation of Time	Subpart B: PERMIT APPLICATIONS
705.101				
705.102	Permit Application	Completeness		
705.103	Incomplete Applications			
705.121	Site Visit			
705.122	Effective Date			
705.123	Decision Schedule			
705.124	Consolidation of Permit Processing			
705.125	Modification or Revocation of Permits			
705.126				
705.127				
705.128				

SUBPART C: APPLICATION REVIEW

Section	When Public Notice Must Be Given	Timing of Public Notice	Methods of Public Notice	Contents of Public Notice	Distribution of Other Materials
705.161					
705.162					
705.163					
705.164					
705.165					

SUBPART D: PUBLIC NOTICE

Section	Draft Permits	Statement of Basis	Fact Sheet	Administrative Record for Draft Permits or Notices of Intent to Deny
705.141				
705.142				
705.143				
705.144				

SUBPART E: PUBLIC COMMENT

Section	Public Comments and Requests for Public Hearings	Public Hearings
705.181		
705.182		

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705.183 Obligation to Raise Issues and Provide Information
 Reopening of Public Comment Period

SUBPART F: PERMIT ISSUANCE

Section	Final Permit Decision	Stay Stays-in-General upon Timely Application for Renewal	Application or upon Untimely Application for Renewal	Stays-for Stay upon Reapplications-and Modifications Reapplication or for Modification
705.201				
705.202				
705.203				
705.204				
705.205				
705.206				
705.207				
705.208				
705.209				
705.210				
705.211				
705.212				

APPENDIX A: PROCEDURES FOR PERMIT ISSUANCE

APPENDIX B: MODIFICATION PROCESS

APPENDIX C: APPLICATION PROCESS

APPENDIX D: APPLICATION REVIEW PROCESS

APPENDIX E: PUBLIC COMMENT PROCESS

APPENDIX F: PERMIT ISSUANCE OR DENIAL

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1984; amended in R89-2 at 14 Ill. Reg. 3082, effective ~~February 20, 1990~~; amended in R94-5 at 18 Ill. Reg. **18-265**, effective ~~December 1994~~.

SUBPART A: GENERAL PROVISIONS

Section 705.101 Scope and Applicability

- a) This Part 705 sets forth procedures which that the Illinois Environmental Protection Agency (Agency) must follow in issuing RCRA (Resource Conservation and Recovery Act) and UIC (Underground Injection Control) Permits. This Part 705 also specifies rules on effective dates of permits and stays of contested permit conditions. This Part 705 provides for a public comment period and a hearing in some cases. The Permit applicant and any other participants must raise issues during this proceeding to preserve issues for effective Board review, as required by Section 705.183.
- b) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record which was before the Agency when the Permit was issued, & as required by Sections Seest
- c) Board review of permit issuance or denial is pursuant to 35 Ill. Adm. Code 105. Board review is restricted to the record which was before the Agency when the Permit was issued, & as required by Sections Seest

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- d) 40(a) and 40(b) of the Environmental Protection Act.
 d) 35 Ill. Adm. Code 702, 703¹ and 704 contain rules on UIC and RCRA permit applications, permit conditions, and related matters.
- (Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

Section 705.102 Definitions

The definitions in 35 Ill. Adm. Code 702 apply to this Part.
 (BOARD NOTE: See Derived from 40 CFR 124.2 (1993).†

- (Source: Amended at DEC 20 1994¹) effective 18 26 5, Reg.
- (Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

Section 705.103 Computation of Time

Any time period allowance schedule or requirement provided under this Part shall be computed in accordance with 35 Ill. Adm. Code 101.105.
 (BOARD NOTE: This Section corresponds with 40 CFR 124.20 (1993).)

- (Source: Amended at DEC 20 1994) effective 18 26 5, Reg.
- (Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

SUBPART B: PERMIT APPLICATIONS

Section 705.121 Permit Application

- a) Any person who requires a permit under the RCRA (Resource Conservation and Recovery Act) or UIC (Underground Injection Control) program shall complete, sign and submit to the Agency an application for each permit required under 35 Ill. Adm. Code 703.121 and or 35 Ill. Adm. Code 704.101 through 704.105, as appropriate. Applications are not required for underground injections authorized by rule under Subpart-E of 35 Ill. Adm. Code 704, Subpart C.
- b) The Agency shall not begin the processing of a permit until the applicant has fully complied with the application requirements for that permit.
- c) Permit applications must comply with the signature and certification requirements of 35 Ill. Adm. Code 702.126.

- (Source: Amended at DEC 20 1994) effective 18 26 5,
 (Source: See Derived from 40 CFR 124.3(a) (1993).†

Section 705.122 Completeness

- a) The Agency shall review for completeness every application for a RCRA or UIC permit for completeness.

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- b) Time limitations:
- 1) Each application for a permit submitted by a new HWM (hazardous waste management) facility or new UIC injection well shall be reviewed for completeness within 30 days of its receipt.
 - 2) Each application for a permit by an existing HWM facility (both Parts A and B of the application) or existing injection well shall be reviewed for completeness within 60 days of receipt.
 - c) Upon completing this review, the Agency shall notify the applicant in writing whether the application is complete. If the application is incomplete, the Agency shall list the information necessary to make the application complete.
 - d) When the application is for an existing HWM (hazardous Waste Management) Facility or an existing UIC injection well, the Agency shall also specify in the notice of deficiency a date for submitting the necessary information.
 - e) The Agency shall, within the time limitations specified in paragraph subsection (b) above, notify the applicant whether additional information submitted in response to a notice of deficiency is deemed sufficient or insufficient to complete the application.
 - f) After the application is deemed complete, the Agency may request additional information from an applicant only when necessary to clarify, modify, or supplement previously submitted material. Requests for such additional information will not render an application incomplete.

†BOARD NOTE: See Derived from 40 CFR 124.3(c) (1993).†

(Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

(Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

Section 705.123 Incomplete Applications

If an applicant fails or refuses to correct deficiencies in the its permit application, the permit Agency may either be denied deny or issued issue the permit on the basis of the information available to the Agency after public notice has been given pursuant to Sect. Section 705.161(a)(1); if warranted, appropriate enforcement actions may be taken.

†BOARD NOTE: See Derived from 40 CFR 124.3(d) (1993).†

(Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

(Source: Amended at DEC 20 1994) effective 18 26 5, Reg.

Section 705.124 Site Visit

In the event that the Agency decides, pursuant to Section 4(d) of the Act, that a site visit is necessary for any reason in conjunction with the processing of an application, the failure or refusal by the applicant to permit such an Agency site visit shall be deemed a failure or refusal to correct application deficiencies for purposes of Sect. Section 705.123.

†BOARD NOTE: See Derived from 40 CFR 124.3(e) (1993).†

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(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

Section 705.125 Effective Date

The effective date of an a permit application is the date on which the Agency notifies the applicant that the application is complete, as provided in Section 705.122.
 BOARD NOTE: See Derived from 40 CFR 124.3(e) (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

Section 705.126 Decision Schedule

For each permit application from a major new HWM facility or major new UIC injection well, the Agency shall, no later than the effective date of the application, prepare and mail to the applicant a project decision schedule. The schedule shall specify target dates by which the Agency intends to:

a) Prepare a draft permit pursuant to 705. Subpart C;

b) Give public notice pursuant to 705. Subpart D;
 c) Complete the public comment period, including any public hearing pursuant to 705. Subpart E; and

d) Issue a final permit pursuant to 705. Subpart F.
 BOARD NOTE: See Derived from 40 CFR 124.3(g) (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

Section 705.127 Consolidation of Permit Processing

Whenever a facility or activity requires more than one permit under more than one part of the Board's rules and regulations, processing of two or more applications for those permits the Agency may, in its discretion and consistent with the individual requirements for each permit, be--consolidated consolidate the processing of those permit applications in accordance with Agency procedures.
 BOARD NOTE: Derived from 40 CFR 124.4 (1993).

(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

SUBPART C: APPLICATION REVIEW

Section 705.141 Draft Permits

- a) Once an application for permit is complete, the Agency shall tentatively decide whether to prepare a draft permit or to deny the application.
- b) If the Agency tentatively decides to deny the permit application, it

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shall issue a notice of intent to deny. A notice of intent to deny shall be subject to all of the procedural requirements applicable to draft permits under Paragraph subsection (d) below. If the Agency's final decision made pursuant to Section 705.201† is that the tentative decision to deny the permit application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft permit under Paragraph subsection (c) below.

c) If the Agency decides to prepare a draft permit, it shall prepare a draft permit that contains the following information:

- 1) All conditions under 35 Ill. Adm. Code 702.140 through 702.152 and 35 Ill. Adm. Code 702.160;
- 2) All compliance schedules under 35 Ill. Adm. Code 702.162 and 702.163;
- 3) All monitoring requirements under 35 Ill. Adm. Code 702.164;
- 4) For program-specific permit conditions:

- A) RCRA permits, standards for treatment, storage, and/or disposal and other permit conditions under 35 Ill. Adm. Code 703.24†;et seq;Subpart E;
 - B) UIC permits, permit conditions under 35 Ill. Adm. Code 704.‡§Subpart E.
 - C) All draft permits and notices of intent to deny prepared under this section shall be accompanied by a statement of basis, tunder Section 705.142†, or fact sheet, tunder Section 705.143†, and shall be based on the administrative record t pursuant to Section 705.144†, publicly noticed t pursuant to 705. Subpart D‡, and made available for public comment t pursuant to Section 705.181†. The Agency shall give notice of opportunity for a public hearing t pursuant to Section 705.182†, issue a final decision t pursuant to Section 705.201‡ and respond to comments t pursuant to Section 705.210†. An appeal may be taken under Section 705.212.
- BOARD NOTE: See Derived from 40 CFR 124.6 (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

Section 705.142 Statement of Basis

The Agency shall prepare a statement of basis for every draft permit or notice of intent to deny for which a fact sheet under Section 705.143 is not prepared. The statement of basis shall briefly describe the derivation of the conditions of the draft permit and the reasons for them or, in the case of notices of intent to deny, reasons supporting the tentative decision. The statement of basis shall be sent to the applicant and, on request to any other person who requests it.

BOARD NOTE: See Derived from 40 CFR 124.7 (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective
DEC 20 1994)

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Section 705.144 Administrative Record for Draft Permits or Notices of Intent to Deny

- a) The provisions of a draft permit or notice of intent to deny the application shall be based on the administrative record, as defined in this section. Section.
- b) The administrative record shall consist of:
 - 1) The application and any supporting data furnished by the applicant;
 - 2) The draft permit or notice of intent to deny the application;
 - 3) The statement of basis, as provided in Section 705.142t; or fact sheet, as provided in Section 705.143t;
 - 4) All documents cited in the statement of basis or fact sheet; and
 - 5) Other documents contained in the supporting file for the draft permit or notice of intent to deny; and
 - 6) An index of all documents or items included in the record, by location in the record.
- c) Published material that is generally available, and which is included in the administrative record under paragraph (b) above, need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the fact sheet.
- d) This section applies to all draft permits or notices of intent to deny for which public notice is first given under 705. Subpart D after the effective date of these regulations March 3, 1984, for UIC permits, or January 31, 1986, for RCPA permits.

BOARD NOTE: SeeDerived from 40 CFR 124.9 (1993).†

(Source: Amended DEC 20 1994 18 Ill. Reg. **18265**, effective **DEC 20 1994**)

SUBPART D: PUBLIC NOTICE**Section 705.161 When Public Notice Must Be Given**

- a) The Agency shall give public notice that whenever any of the following actions have occurred:
 - 1) A permit application has been tentatively denied under Section 705.141(b);
 - 2) A draft permit has been prepared under Section 705.141(c); and
 - 3) A hearing has been scheduled under Section 705.182.
- b) No public notice is required when a request for permit modification is denied under Section 705.128(b). Written notice of that any such denial shall be given to the requester and to the permittee.
- c) Public notices may describe more than one permit or permit action.

BOARD NOTE: SeeDerived from 40 CFR 124.10(a) (1993).†

(Source: Amended at 18 Ill. Reg. **18265**, effective **DEC 20 1994**)

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Section 705.162 Timing of Public Notice

- a) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under Section 705.161 shall allow:
 - 1) For UIC permits, at least 30 days for public comment;
 - 2) For RCRA permits, at least 45 days for public comment;
 - 3) For UIC permits, at least 30 days before the hearing;
 - 4) Public notice of a public hearing shall be given;
 - 1) For UIC permits, at least 45 days before the hearing;
 - 2) For RCRA permits, at least 45 days before the hearing.
 - c) Public notice of a hearing may be given at the same time as public notice of the draft permit, and the two notices may be combined.
 - b) **BOARD NOTE:** SeeDerived from 40 CFR 124.10(b) (1993).†
 - c) Derived from 40 CFR 124.10(b) (1993).†
- (Source: Amended at 18 Ill. Reg. **18265**, effective **DEC 20 1994**)
- Section 705.164 Contents of Public Notice**
- a) All public notices issued under this Part shall contain the following minimum information:
 - 1) The name Name and address of the Agency;
 - 2) The name Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;
 - 3) A brief description of the business conducted at the facility or the activity described in the permit application or the draft permit;
 - 4) The name Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, a copy of the statement of basis or fact sheet, and a copy of the permit application; and
 - 5) A brief description of the comment procedures required by Sections 705.181 and 705.182; and the time and place of any hearing that will be held, including a statement of the procedures to request a hearing (unless a hearing has already been scheduled); and the other procedures by which the public may participate in the final permit decision;‡
 - 6) The location of the administrative record required by Section 705.144, the time at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and
 - 7) Any additional information that the Agency considered considers necessary or proper.
 - b) Public notices for hearings. In addition to the general public notice described in Section 705.164(a), the public notice of a hearing under Section 705.182 shall contain the following information:
 - 1) Reference to the date of previous public notices relating to the permit;‡

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- 2) The date, time, and place of the hearing; and
 3) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

^tBOARD NOTE: SeeDerived from 40 CFR 124.10(d) (1993).†

(Source: Amended at 18 Ill. Reg. 18 265, effective DEC 20 1994)

Section 705.165 Distribution of Other Materials

In addition to the general public notice described in Section 705.163(a), all persons identified in Section 705.163(a) shall be mailed a copy of the fact sheet or statement of basis, the permit application (if any), and the draft permit (if any).

^tBOARD NOTE: SeeDerived from 40 CFR 124.10(e) (1993).†

(Source: Amended at 18 Ill. Reg. 18 265, effective DEC 20 1994)

SUBPART E: PUBLIC COMMENT

Section 705.181 Public Comments and Requests for Public Hearings

During the public comment period provided under 705.1Subpart D₂, any interested person may submit written comments on the draft permit to the Agency. ~~written comments-on-the-draft-permit~~ and any interested person may request a public hearing—if-no-hearing—has—already—been—scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. At The Agency shall consider all comments ~~shall be considered~~ in making the final decision and shall ~~be—answered~~ answer as provided in Section 705.210.

^tBOARD NOTE: SeeDerived from 40 CFR 124.11 (1993).†

(Source: Amended at 18 Ill. Reg. 18 265, effective DEC 20 1994)

Section 705.182 Public Hearings

- a) When the Agency holds public hearings.

- 1) The Agency shall hold a public hearing whenever it finds—on—the basis—of—requester a significant degree of public interest in a draft permit(s) on the basis of requests.
- 2) The Agency also may hold a public hearing at its discretion, whenever such a hearing might clarify one or more issues involved in the permit decision.
- 3) For RCRA permits only:
 - A) The Agency shall hold a public hearing whenever it receives written notice of opposition to a draft permit and a request

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for a hearing within 45 days of public notice under Section 705.162(a);

- B) Whenever possible, the Agency shall schedule the hearing at a location convenient to the nearest population center nearest to the proposed facility.
- 4) Public notice of the hearing shall be given as specified in Section 705.162.

- b) Whenever a public hearing will be held, the Agency shall designate a hearing officer for—the—hearing who shall be responsible for its scheduling and orderly conduct. Conduct of the hearing shall be in accordance with Agency rules and procedures, and the hearing shall be held in the county in which the HWM or UIC facility or proposed HWM or UIC facility is located.
- c) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set by the hearing officer upon the time allowed at hearing for oral statements, and the submission of statements in writing may be required. Written statements shall be accepted until the close of the public comment period. The public comment period under 705.1Subpart D shall automatically be extended to a date not later than 30 days after the close of any public hearing under this section. The hearing officer may, upon request, extend the comment period by not more than 30 days if reasonably necessary to assure all parties sufficient opportunity to submit comments.
- d) A tape recording or written transcript of the hearing shall be made available to the public for inspection during regular business hours at the Agency's office in Springfield. Copies of such recording or transcription shall be made available on request, upon payment of reasonable costs of duplication pursuant to applicable Agency rules and procedures.

^tBOARD NOTE: SeeDerived from 40 CFR 124.12 (1991).†

(Source: Amended at 18 Ill. Reg. 18 265, effective DEC 20 1994)

Section 705.183 Obligation to Raise Issues and Provide Information

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the Agency's tentative decision to deny an application or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under 705.1Subpart D. All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of ~~State~~ state or ~~Federal~~ federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available

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to the Agency, as directed by the Agency.
BOARD NOTE: See Derived from 40 CFR 124.13 (1993).†

(Source: Amended at 18 Ill. Reg. **18265**, effective
DEC 20 1994)

Section 705.184 Reopening of Public Comment Period

- If any data, information, or arguments submitted during the public comment period appear to raise substantial new questions concerning a permit, the Agency may take one or more of the following actions:
 - Prepare a new draft permit, appropriately modified, under Section 705.141;
 - Prepare a revised statement of basis, a fact sheet, or a revised fact sheet and reopen the comment period under paragraph subsection (a)(3) below;
 - Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.
- In the alternative, the Agency may reverse its tentative decision to prepare a draft permit or issue a notice of intent to deny pursuant to Section 705.141(b) and/or 705.141(e)(c).†

- In the alternative, the Agency may revise the draft permit in response to comments and issue a final permit pursuant to Section 705.201.
- Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice under 705.201 Subpart D shall define the scope of the reopening.
- Public notice of any of the above actions shall be issued under 705.201 Subpart D.

BOARD NOTE: See Derived from 40 CFR 124.14 (1993).†

(Source: Amended at 18 Ill. Reg. **18265**, effective
DEC 20 1994)

SUBPART F: PERMIT ISSUANCE

Section 705.201 Final Permit Decision

- After the close of the public comment period under 705.201 Subpart D or Sec. 705.182, the Agency shall issue a final permit decision.
- A final permit decision shall consist of either:
 - The sections of the appropriate Act which that may be violated if the permit were granted;
 - The provisions of Board regulations which that may be violated if the permit were granted;
- The specific type of information, if any, which that the Agency deems the applicant did not provide with the application; and
- A statement of specific reasons why the Act and the

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- regulations might not be met if the permit were granted;
- Or issuance of a permit;
- On the date of the final permit decision, the Agency shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. This notice shall include reference to the procedures for appealing a final permit decision.
- A final permit shall become effective 35 days after the final permit decision made under paragraph subsection (a) above, unless:
 - A later effective date is specified in the permit; or
 - Review is requested under Sec. 705.212, in which case the effective date and conditions will be stayed as provided in Sec. 705.202 through 705.205.

BOARD NOTE: This Section corresponds with and is partially derived from 40 CFR 124.15 (1993).

(Source: Amended at 18 Ill. Reg. **18265**, effective DEC 20 1994)

Section 705.202 Stays-in-General Stay upon Timely Application for Renewal

- 35 Ill. Adm. Code 702.125 provides for continuation of expiring RCRA and UIC permits where a timely application has been filed. In such a case, the Board intends that ~~in such a case stay unless it orders otherwise~~ the old permit should expire at the same time the new permit becomes effective unless the Board orders otherwise.
- BOARD NOTE: Derived in part from 40 CFR 124.16(a)(2) and (c)(2) (1993).

(Source: Amended at 18 Ill. Reg. **18265**, effective DEC 20 1994)

Section 705.203 StayStay for New Applications Application or upon Untimely Application for Renewal

- This section applies to:
 - New HWM facilities and new injection wells which that:
 - Have never had a RCRA or UIC permit; or
 - Had a RCRA or UIC permit which that expired without a timely application for renewal; and
 - Existing HWM facilities and existing HWM injection wells which that:
 - Have never had a RCRA or UIC permit and have failed to file a timely first application; or
 - Had a RCRA or UIC permit which that expired without a timely application for renewal.
- If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant is without a permit unless the Board orders otherwise.

Section 705.204 Final Permit Decision

- After the close of the public comment period under 705.201 Subpart D or Sec. 705.182, the Agency shall issue a final permit decision.
- A final permit decision shall consist of either:
 - The sections of the appropriate Act which that may be violated if the permit were granted;
 - The provisions of Board regulations which that may be violated if the permit were granted;
- The specific type of information, if any, which that the Agency deems the applicant did not provide with the application; and
- A statement of specific reasons why the Act and the

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BOARD NOTE: Derived in part from 40 CFR 124.16(a)(1) (1993).

(Source: Amended at 18 Ill. Reg. **18 265**, effective **DEC 20 1994**)**Section 705.204 Stays--for Stay upon Reapplication---and---Modifications Reapplication or for Modification**

- a) This Section applies to new or existing HWM facilities and UIC wells which have a RCRA or UIC permit and which that make a timely application for renewal or request for modification.
- b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded or until the Board orders otherwise. During the appeal, the applicant must comply with the conditions of the expired permit, unless the Board orders otherwise (35 Ill. Adm. Code 702.125).
- c) The applicant must comply with the conditions of the existing permit during a modification proceeding under Section 705.128.

BOARD NOTE: Derived from 40 CFR 124.16(c)(1) (1993).

(Source: Amended at 18 Ill. Reg. **18 265**, effective **DEC 20 1994**)**Section 705.205 Stays Stay Following Interim Status**

- a) This section Section applies to any facility which that has RCRA interim status or permit by rule or a UIC permit by ruler and which that makes a timely application for its first RCRA or UIC permit.
- b) If an appeal to the Board is filed, the effective date of the permit and all conditions are stayed until the appeal is concluded, unless the Board orders otherwise. During the appeal, the applicant must comply with the rules applicable to facilities with RCRA interim status, or permit by rule (35 Ill. Adm. Code 703.7-Subpart C) or UIC permit by rule (35 Ill. Adm. Code 703.7-Subpart E).

BOARD NOTE: Derived from implication from 40 CFR 124.15(b) (1993); 144.31(a) (1993), as amended at 58 Fed. Reg. 63897 (Dec. 3, 1993); and 270.60 and 270.63(a) (1992).

(Source: Amended at 18 Ill. Reg. **18 265**, effective **DEC 20 1994**)**Section 705.210 Agency Response to Comments**

- a) At the time that any final permit decision is issued under Section 705.201, the Agency shall issue a response to comments. This response shall:
- 1) Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and

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- 2) Briefly describe and respond to all significant comments on the draft permit raised during the public comment period.
- b) Any documents cited in the response to comment shall be included in the administrative record for the final permit decision as defined in Section 705.211. If new points are raised or new material supplied during the public comment period, the Agency may document its response to those matters by adding new materials to the administrative record.
- c) The response to to comments shall be available to the public in accordance with Agency rules and procedures for access to Agency documents.

†BOARD NOTE: SeeDerived in part from 40 CFR 124.17 (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective **DEC 20 1994**)**Section 705.211 Administrative Record for Final Permits or Letters of Denial**

- a) The Agency shall base final permit decisions under Section 705.201 on the administrative record defined in this section Section.
- b) The administrative record for any final permit or letter of denial shall consist of the administrative record for the draft permit and:
- 1) All comments received during the public comment period provided under 705. Subpart D (including any extension or reopening under Section 705.184);
 - 2) The tape or transcript of any hearing held under Section 705.182;
 - 3) Any written materials submitted at such a hearing;
 - 4) The response to comments required by Section 705.210 and any new material placed in the record under that section;
 - 5) Other documents contained in the supporting file for the permit; and
 - 6) The final permit or letter of denial.
- c) The additional documents required under paragraph subsection (b) above should be added to the record as soon as possible after their receipt or publication by the Agency. The record shall be completed on the date which the final permit or letter of denial is issued.

d) This section applies to all final RCRA permits, UIC permits, and letters of denial, when the draft permit was subject to the administrative record requirements of Section 705.144.

†BOARD NOTE: SeeDerived from 40 CFR 124.18 (1993).†

(Source: Amended at 18 Ill. Reg. **18 265**, effective **DEC 20 1994**)**Section 705.212 Appeal of Agency Permit Determinations**

- a) Within 35 days after a RCRA or UIC final permit decision notification has been issued under Section 705.201, the applicant may petition the Board to contest the final permit decision. If the applicant failed to file comments or failed to participate in the public hearing on the

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draft permit he or she may petition for administrative review only to the extent of the change from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105. Nothing in this paragraph is intended to restrict appeal rights under Section 40(b) of the Environmental Protection Act.

b) Within 35 days after a final permit decision notification has been issued under Section 705.201 for a RCRA permit for a hazardous waste disposal site, any person who filed comments on the draft permit or participated in the public hearing may petition the Board to contest the issuance of the permit. Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required in this part; in all other respects, the petition shall comport with the requirements for permit appeals generally, as set forth in 35 Ill. Adm. Code 105.

c) Except as otherwise provided in this Part, the provisions of 35 Ill. Adm. Code 105 generally shall govern appeals of RCRA and UIC permits under this section; references in the procedural rules to the Agency permit application record shall mean, for purposes of this section, the administrative record for the final permit or letter of denial, as defined in Section 705.211.

d) An appeal under ~~paragraph~~^{subsection} (a) or (b) above is a prerequisite to the seeking of judicial review of the final agency action under the Administrative Review Act ~~Stat.~~^{Rev.} [Art. III]. ~~Chr-1107-par-264† [735 ILCS 5/Art. III]~~. BOARD NOTE: This Section corresponds with 40 CFR 124.19 (1993).

(Source: Amended DEC 20 1994[†] 18 Ill. Reg. **18 265**, effective)

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- 1) Heading of the Part: RCRA AND UIC PERMIT PROGRAMS
- 2) Code Citation: 35 Ill. Adm. Code 702
- 3) Section Numbers:

702.101	Amended
702.102	Repealed
702.103	Amended
702.106	Amended
702.107	Amended
702.109	Amended
702.110	Amended
702.111	Amended
702.112	Amended
702.1121	Amended
702.1122	Amended
702.1124	Amended
702.1125	Amended
702.1126	Amended
702.140	Amended
702.141	Amended
702.142	Amended
702.143	Amended
702.144	Amended
702.146	Amended
702.147	Amended
702.148	Amended
702.149	Amended
702.150	Amended
702.160	Amended
702.161	Amended
702.162	Amended
702.163	Amended
702.164	Amended
702.181	Amended
- 4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].
- 5) Effective Date of Rulemaking: December 20, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.

The existing text of Part 702 includes a number or references to documents incorporated by reference to 35 Ill. Adm. Code 720.11, the central incorporation provision for all of the Illinois RCRA Subtitle C and UIC regulations (35 Ill. Adm. Code 700, 702 through 705, 720 through 726, 728, 730, 738, and 739). None of the incorporations were amended in this rulemaking, except the format of the reference to Section 720.11 in Section 702.111 in Section 702.104 was revised.

- 8) Date Filed in Agency's Principal Office: Order adopted November 3, 1994.
- 9) Notice of Proposal Published in Illinois Register:
September 9, 1994, at 18 Ill. Reg. 13613
- 10) Has JCAR issued a Statement of Objections to these rules? No
Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second

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Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.

11) Difference(s) between proposal and final version:

The Board received several suggestions from JCAR staff and the Secretary of State for corrections to the text of the amendment as proposed. The Board tabulates the suggested corrections and our resulting actions as follows (sources of suggested corrections are indicated with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; * denotes a Section not included in proposed rule):

- | |
|---|
| <u>Section (Section of Revision)</u>
<u>Board Action</u>
702.table of contents (1) Corrected listing for Section 702.103 by adding "Agency or Board" to agree with the heading in the text of the rules
Deleted ending parentheses
Capitalized "Section" in the text
Added subsection heading
702.161(a) (2)
702.161(a) (2) |
|---|

In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(b)(2), 704.144(b), 704.150(f)(2)(B), and 704.194.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the preceding question, the Board modified several passages of the amendments in response to these suggestions..

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking:

A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below.

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Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Fed. Reg. 63890 (Dec. 3, 1994). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704 and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the citations to the federal sources in the Board notes for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulations; we substituted a date certain where all these references appeared in the open parts and amended Section 700.106 itself to directly cite the appropriate dates.

In particular, the amendments to Part 702 add definitions of "transferee" and "transferor", as part of the federal clarifications of authorization by rule. The amendments largely involve the corrective and clarifying amendments to the rules, to grammar, structure, and punctuation and in citations to parallel federal provisions. Included are amendments to update procedural discriptions in Subpart A to reflect changes since the Board adopted this Subpart.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 702
 RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section 702.101	<u>Purpose, Scope, and Applicability</u>
702.102	<u>Purpose and Scope (Repealed)</u>
702.103	<u>Confidentiality of Information Submitted to the Agency or Board</u>
702.104	<u>References</u>
702.105	<u>Rulemaking</u>
702.106	<u>Adoption of Agency Criteria and Review of Agency Determinations</u>
702.107	<u>Permit Appeals and Review of Agency Determinations</u>
702.108	<u>Variance and Adjusted Standards</u>
702.109	<u>Enforcement Actions</u>
702.110	<u>Definitions</u>

SUBPART B: PERMIT APPLICATIONS

Section 702.120	<u>Permit Application</u>
702.121	<u>Who Applies</u>
702.122	<u>Completeness</u>
702.123	<u>Information Requirements</u>
702.124	<u>Recordkeeping</u>
702.125	<u>Continuation of Expiring Permits</u>
702.126	<u>Signatories to Permit Applications and Reports</u>

SUBPART C: PERMIT CONDITIONS

Section 702.140	<u>Conditions Applicable to all Permits</u>
702.141	<u>Duty to Comply</u>
702.142	<u>Duty to Reapply</u>
702.143	<u>Need to Halt or Reduce Activity Not a Defense</u>
702.144	<u>Duty to Mitigate Proper Operation and Maintenance</u>
702.145	<u>Permit Actions</u>
702.146	<u>Property Rights</u>
702.147	<u>Duty to Provide Information</u>
702.148	<u>Inspection and Entry</u>
702.149	<u>Monitoring and Records</u>
702.150	<u>Signature Statement Requirements</u>
702.151	<u>Reporting Requirements</u>
702.152	

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SUBPART D: ISSUED PERMITS

702.160	<u>Establishing Permit Conditions</u>
702.161	<u>Duration of Permits</u>
702.162	<u>Schedules of Compliance</u>
702.163	<u>Alternative Schedules of Compliance</u>
702.164	<u>Recording and Reporting</u>

SUBPART D: ISSUED PERMITS

Section 702.181	<u>Effect of a Permit Transfer</u>
702.182	<u>Modification Causes for Modification</u>
702.183	<u>Facility Siting Revocation</u>
702.184	<u>Minor Modifications</u>
702.185	
702.186	
702.187	

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4 and 27).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R84-23 at 10 Ill. Reg. 13274, effective August 12, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 6131, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13033, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective April 26, 1993; amended in R93-16 at 18 Ill. Reg. 6018, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18234, effective DEC 20 1994.

SUBPART A: GENERAL PROVISIONS

Section 702.101 Purpose, scope, and applicability

- a) Coverage
 - 1) These permit regulations include provisions for two Permit programs:
 - A) The RCRA (Resource Conservation and Recovery Act) Permit program under Title V and Title X of the Environmental Protection Act.
 - B) The UIC (Underground Injection Control) permit program under Title III and Title X of the Environmental Protection Act.
- 2) These regulations cover basic permitting requirements (35 Ill. Title III).

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Adm. Code 702, 703_L and 704_L and procedures for processing of permit applications (35 Ill. Adm. Code 705) for the RCRA and UIC permit programs.

3) 35 Ill. Adm. Code 702, 703, 704_L and 705 are derived from 40 CFR 122-and-124 144 and 270.

b) Structure

1) These regulations comprise four parts:

- A) 35 Ill. Adm. Code 702 contains definitions applicable to 35 Ill. Adm. Code 702, 703, 704_L and 705. It also contains basic permitting requirements for the RCRA and UIC programs.
- B) 35 Ill. Adm. Code 703 contains requirements specific to RCRA permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 703, 35 Ill. Adm. Code 703 will control.
- C) 35 Ill. Adm. Code 704 contains requirements specific to UIC permits. In case of inconsistency between 35 Ill. Adm. Code 702 and 704_L, 35 Ill. Adm. Code 704 will control.
- D) 35 Ill. Adm. Code 705 establishes procedures for issuance by the Agency of RCRA and UIC permits.

2) 35 Ill. Adm. Code 702, 703_L and 704 are organized into subparts. The structure and coverage of these parts is indicated in the following table:

	RCRA AND UIC	RCRA 35 ILL. ADM. CODE 702, SUBPART A	UIC CODE 703, SUBPART B	UIC CODE 704 SUBPART C	UIC CODE 704 SUBPART D	UIC CODE 704 SUBPART E	UIC CODE 704 SUBPART F	UIC CODE 704 SUBPART G
General Prohibitions	---	A	B	C	D	E	F	G
Authorization by Rule	---	---	C	---	---	---	---	---
Application Conditions	B	D and E	D	E	---	---	---	---
Issued Permits	C	F	---	---	---	---	---	---
Hazardous Waste Wells	D	---	---	---	---	---	---	---

c) Relation to Other Requirements

- 1) Permit Application Forms. Applicants for RCRA or UIC permits and persons seeking interim status under RCRA must submit their applications on Agency permit application forms when available.
- 2) Technical Requirements. The two permit programs which are covered in these permit regulations each have separate additional regulations that contain technical requirements for those programs. These separate regulations are used by the Agency to determine what requirements must be placed in permits if they are issued. These separate regulations are located as follows:

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RCRA 35 Ill. Adm. Code 720 through 725 726, 728, and 739
UIC 35 Ill. Adm. Code 730 and 738

[†]Board-Note BOARD NOTE: See -40-EPR-122-7 Derived in significant part from 40 CFR 144.1 (1993) and 270.1 (1992).†

(Source: Amended at 18 Ill. Reg. 18 284, effective DEC 20 1994)

Section 702.102 Purpose and Scope (Repealed)

- a) Part--702--contains--definitions--702-110-and--basic-permitting requirements-(Subparts-B-and-D)--Definitions--are--given--for--the RERA-and-UIC-programs--The-permitting-requirements-apply-to-the-RERA-and-UIC-programs-
- b) 35-Ill.-Adm.-Code-703-and-704-contain-additional-requirements-for-RERA-and-UIC-permitting-respectively-

[†]BOARD NOTE:-See -40-EPR-122-27
(Source: Repealed at 18 Ill. Reg. 18 284, effective DEC 20 1994)

Section 702.103 Confidentiality of Information Submitted to the Agency or Board

- a) In accordance with Section 7 of the Environmental Protection Act, and as required by 40 CFR 2, certain information submitted to the Agency or Board pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on--the--application--form--or instructions--for--in--case--of--other--submissions--by--stamping--the--words **CONFIDENTIAL--BUSINESS--INFORMATION**--on--each--page--containing--such information by 35 Ill. Adm. Code 101, Subpart D and 120. If no claim is made at the time of submission, the Agency or Board may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with 35 Ill. Adm. Code 120 and Board and Agency procedures. t35-Adm-Code 101-107-and-120-7

b) Claims of confidentiality for the following information will be denied:

- 1) The name and address of any permit applicant or permittee;
- 2) The identity of substances being placed or to be placed in landfills or hazardous waste treatment, storage, or disposal facilities.
- 3) For UIC permits, information which deals with the existence, absence, or level of contaminants in drinking water.

[†]Board-Note BOARD NOTE: See Derived from 40 CFR 122-19 144.5 (1993) and 270.12 (1992).†

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(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

Section 702.104 References

See 35 Ill. Adm. Code 720.111 includes all sources incorporated by reference for the Illinois RCRA and UIC programs.

BOARD NOTE: Derived-from This Section corresponds with 40 CFR 270.6 t+98081.

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

Section 702.105 Rulemaking

a) Identical-in-Substance Regulations.

1) Twice each year, the Board reserves rulemaking dockets pursuant to Sections 13(c) and 22.4(a) of the Act, generally to include all federal RCRA or UIC amendments that occurred in either of the prior concluded periods of January 1 through June 30 or July 1 through December 31 of each calendar year. The Board reviews the federal actions that occurred in the period of interest and initiates those that require Board action in the docket. The Board initiates proposed amendments to the RCRA or UIC program if any are made necessary, so no rulemaking proposal is necessary for the included amendments.

2) Any for any other identical-in-substance rulemaking actions, any person may petition the Board to adopt pursuant to Sections 13(c) and 22.4(b) of the Environmental Protection Act-as-a-state regulations rules which that are identical in substance with newly-adopted to federal amendments or regulations applicable pertinent to the Illinois RCRA or UIC program or permit issuance. The petition shall take the form of a proposal for rulemaking pursuant to 35 Ill. Adm. Code 102. The proposal shall include a listing of all amendments-to-the-state-and-local-of-proposals-to-amend-35-ill.-Adm--Code-709-through-7057-to-the portions-of-40-CCR-122-and-124--which--relate--to--RERA--and--YIE permits of interest to the petitioner.

b) Other Regulations. With respect to the Illinois RCRA and UIC program or permit issuance, any person may petition the Board to adopt amendments or additional regulations which that are not identical in substance with to federal regulations. Such proposal shall conform to 35 Ill. Adm. Code 102, and Title VII and Sections 13(d), 22.4(b) and 22.4(c) of the Environmental Protection Act.

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

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- a) The purpose of this section is to allow authorize the Agency to publish criteria which that will give guidance to the public as to what it will approve in RCRA and UIC permit applications and as to what conditions it will impose in permit issuance. The statutory authority for the Agency adopting such criteria is the Agency's authority to issue permits pursuant to Sections 4 and 39 of the Environmental--Protection Act, and the requirement of the Administrative Procedure Act titl--Rev--Stat--1987-CH-1277-part 1001 (5 ILCS 100) that agencies codify policies or interpretations of general applicability that affect persons outside the agency are as rules.
- b) With respect to review of permit applications and establishment of permit conditions, the Agency shall adopt as criteria any policies and interpretations of general applicability affecting persons outside the Agency.
- c) Any criteria which that are adopted shall include:
- 1) Clear references to related provisions of the appropriate Act and Board regulations;
 - 2) A statement that the criteria are not Board regulations;
 - 3) A statement that the criteria apply only to review of permit applications and establishment of conditions; and
 - 4) Procedures to be followed if an applicant wishes to deviate from Agency criteria.
- d) For purposes of permit issuance, proof of compliance with criteria is prima facie proof of compliance with related provisions of the appropriate Act and Board regulations; however, persons other than the Agency may challenge criteria as applied in the context of permit issuance.

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

Section 702.107 Permit Appeals and Review of Agency Determinations

Unless the contrary intention is indicated, all actions taken by the Agency under 35 Ill. Adm. Code 7027-7037 through 704, 724 721 through 726, 728, or 730, or 738 are to be done as part of an original permit application or a proceeding for modification of an issued permit. Such actions are subject to the procedural requirements of 35 Ill. Adm. Code 705.

- a) Any final Agency action on an original permit application or a proceeding for modification of an issued permit, or any action for review of a final Agency determination required by these regulations, may be appealed to the Board pursuant to Title X of the Environmental Protection Act and 35 Ill. Adm. Code 105 and 705.212.
- b) Other actions Actions that are not required by these regulations, whether undertaken by the Agency gratuitously or pursuant to a statutory authorization, such as one taken to enforce a bond, insurance policy, or similar instrument of a contractual nature or one intended to guide a regulated person in seeking compliance with the

Section 702.106 Adoption of Agency Criteria

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regulations, are not necessarily permit modifications and reviewable by the Board. The affected person may be enforced seek review of those determinations in any court with of competent jurisdiction.

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18284**, effective

Section 702.108 Variances and Adjusted Standards

- a) The Agency has no authority to issue any permit which that is inconsistent with Board regulations. If an applicant seeks a permit which that would authorize actions which would--be are inconsistent with Board regulations, including delayed compliance dates, the applicant should file for either of two forms of relief:
- 1) A petition for a variance pursuant to Title IX of the Environmental Protection Act (Act) [415 ILCS 5] and 35 Ill. Adm. Code 104; or
 - 2) A petition for an adjusted standard pursuant to Section 28.2 of the Act and 35 Ill. Adm. Code 106.

- b) The Agency must file a recommendation prior-to-any-public--hearing--on such--a within prescribed times following the filing of a petition for a variance petition or adjusted standard. The recommendation must include a draft of the language the Agency proposes to include in the permit if its recommendation is accepted.
- c) If the Board grants a variance or adjusted standard, it will order the Agency to issue or modify the permit pursuant to the variance.

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18284**, effective

Section 702.109 Enforcement Actions

Any person may file a an-enforcement-action civil complaint with the Board alleging violation of the RCRA or UIC regulations, a permit requirement, or permit conditions pursuant to Title VIII of the Environmental Protection Act and 35 Ill. Adm. Code 103.

a) A formal complaint filed with the Board will initiate a civil enforcement action in which the complainant bears the burden of proving that the respondent committed the alleged violations.

- b) The Board will forward any informal complaint to the Agency, and the Agency shall investigate the alleged violations set forth in the complaint.

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18284**, effective

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Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as to an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environment Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 ~~et seq~~ through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); or "Environmental Protection Act," whichever is applicable; and applicable regulations promulgated under those statutes.

"Approved program or approved State" means a State or interstate program which has been approved or authorized by EPA under 40 CFR 271 (1992) (RCRA) or Section 1422 of the SDWA (UIC). "Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of which that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit which that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705.

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"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724. Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: U.S. EPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) P.L. 92-500, as amended by P.L. 93-217, and P.L. 95-576; 33 U.S.C. 1251 et seq. (1992).

"Date of approval by U.S. EPA of the Illinois UIC program" means February 1 March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal Facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft Permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141L is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling Mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

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"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which that are hazardous wastes only because they exhibit characteristics listed in Subpart B-E 35 Ill. Adm. Code 721.122, or are listed in Subpart B-E 35 Ill. Adm. Code 721. Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency Permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

~~"Environmental Protection Act" means the Environmental Protection Act
Title-Rev-Stat-19917-ch-117-part-1001-ct-sec-1-455-165-5-}~~

"Environmental Protection Agency" ("EPA" or "U.S. EPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104L and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which that was in operation or for construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the Federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations -- which that cannot be cancelled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

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"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102 ~~et seq.~~)

"Final authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management Program which that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1992). EPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance which that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity which that is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component which that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous Waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

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"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well". "In operation" (RCRA) means a facility which that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by EPA of the Illinois Hazardous Waste Management program which that has met the requirements of Section 3006(c) of RCRA and applicable requirements of 40 CFR 271 (1992). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency. "Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" which that contains the information required by 35 Ill. Adm. Code 722. Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RRA) means a "Hazardous Waste Management facility" which that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" which that began injection after the UIC program for the State of Illinois applicable to the well is approved.

"Off-site" (RCRA) means any site which that is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property which that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned

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by the same person but connected by a right-of-way which that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 et seq. through 703.157), UIC authorization by rule (35 Ill. Adm. Code 704, Subpart C), or any permit which that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit."

"Person" means any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Phase I" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase I began on May 17, 1982.

"Phase II" (RCRA) means, as used in the corresponding federal regulations, the period of time commencing May 19, 1980. For Illinois purposes, Phase II commenced when U.S. EPA granted final authorization to the Agency to issue RCRA permits for any class of facility or unit. This occurred on January 31, 1986.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures or similar activity to prepare an "HWM facility" to accept "hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

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"Radioactive waste" (UIC) means any waste which that contains radioactive material in concentrations which that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P. L. 94-580, as amended by P. L. 95-609, P.L. 96-510, 42 U.S.C. 6901 et seq. (1992)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (Pub. L. 93-523, as amended 42 U.S.C. 300f et seq. (1992)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC Code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/EPA Agreement" means an agreement between the Regional Administrator and the State which that coordinates EPA and State activities, responsibilities, and programs including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a

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temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferee" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground Injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion:

Which:
Supplies any public water system; or
Contains a sufficient quantity of groundwater to supply a public water system; and
Currently supplies drinking water for human consumption; or

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Contains less than 10,000 mg/l total dissolved solids; and
Which That is not an "exempted aquifer".

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which that is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

Receives and treats or stores an influent wastewater which that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

Board Note: Derived from 40 CFR 144.3, as amended at 58 Fed. Reg. 63895 (Dec. 3, 1993), and 270.2 (1992), as amended at 58 Fed. Reg. 8685 (Feb. 16, 1993).

(Source: Amended at 18 Ill. Reg. 18284, effective DEC 20 1994)

SUBPART B: PERMIT APPLICATIONS

Section 702.120 Permit Application

Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the Agency as described in this Section and in 35 Ill. Adm. Code 703.180 (RCRA) and 35 Ill. Adm. Code 704.161 (UIC). Persons currently authorized with interim status under RCRA (35 Ill. Adm. Code 703.Subpart C) or UIC authorization by rule (35 Ill. Adm. Code 704.Subpart C) shall apply for permits by rule (35 Ill. Adm. Code 703.141) need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in 35 Ill. Adm. Code 703.221 (RCRA) and 35 Ill. Adm. Code 704.163

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(UIC). Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in 35 Ill. Adm. Code 703.231 (RCRA).
fBoard-Note BOARD NOTE: See Derived from 40 CFR 144.31(a) (1993) and 270.10(a)(1992).†

(Source: Amended at 18 Ill. Reg. **18 2 8 4**, effective **DEC 20 1994**)

Section 702.121 Who Applies

When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit, except that the owner must also sign the permit application.

fBoard-Note BOARD NOTE: See Derived from 40 CFR 144.31(b)(1993) and 270.10(b)(1992).†

(Source: Amended at 18 Ill. Reg. **18 2 8 4**, effective **DEC 20 1994**)

Section 702.122 Completeness

The Agency shall not issue a permit under a program (RCRA or UIC) before receiving a complete application for a permit under that program except for emergency permits. An application for a permit under a program is complete when the Agency receives an application form and any supplemental information which that are is completed to its satisfaction. (35 Ill. Adm. Code 705.122). An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in 35 Ill. Adm. Code 703.186 (RCRA). The Agency may deny a permit for the active life of a hazardous waste management facility or unit before receiving a complete application for a permit. (RCRA)

BOARD NOTE: Derived from 40 CFR 144.31(d) (1993) and 270.10(c) (1992) ~~7-23 amended-at-54 Fed.-Reg.-96097-March-7-1989.~~

(Source: Amended at 18 Ill. Reg. **18 2 8 4**, effective **DEC 20 1994**)

Section 702.123 Information Requirements

All applicants for RCRA or UIC permits shall provide the following information to the Agency, using the application form provided by the Agency (additional information required of applicants is set forth in 35 Ill. Adm. Code 703.180-~~et seq.~~-Subpart D (RCRA) and 35 Ill. Adm. Code 704.161 (UIC)).

- a) The activities conducted by the applicant which that require it to obtain permits under RCRA or UIC.
- b) Name, mailing address, and location of the facility for which the application is submitted.
- c) Up to four SIC codes which that best reflect the principal products or

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services provided by the facility.

d) The operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity.

e) The name, address, and phone number of the owner of the facility.

f) A listing of all permits or construction approvals received or applied for under any of the following programs:

- 1) Hazardous Waste Management program under RCRA, this Part, and 35 Ill. Adm. Code 703.
- 2) UIC program under SDWA, this Part, and 35 Ill. Adm. Code 304.
- 3) NPDES program under CWA and 35 Ill. Adm. Code 309.
- 4) Prevention of Significant Deterioration (PSD) program under the Clean Air Act.
- 5) Nonattainment program under the Clean Air Act.
- 6) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act.
- 7) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act.
- 8) Dredge or fill permits under Section 404 of CWA.
- 9) Other relevant environmental permits, including Illinois permits.

g) A topographic map (or other map if a topographic map is unavailable) extending 1609 meters (one mile) beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures; each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant within 402 meters (one fourth mile) of the facility property boundary.

h) A brief description of the nature of the business.

fBoard-Note BOARD NOTE: See Derived from 40 CFR 144.31(e) and 270.10(d) and 270.13 (1992).†

(Source: Amended at 18 Ill. Reg. **18 2 8 4**, effective **DEC 20 1994**)

Section 702.124 Recordkeeping

Applicants shall keep records of all data used to complete permit applications and any supplemental information submitted under 35 Ill. Adm. Code 702.123, 703.180-~~et seq.~~-Subpart D (RCRA); and 35 Ill. Adm. Code 704.161 (UIC) for a period of at least 3 years from the date the application is signed. **fBoard-Note BOARD NOTE:** See Derived from 40 CFR 144.31(f) and 270.10(l) (1993).†

(Source: Amended at 18 Ill. Reg. **18 2 8 4**, effective **DEC 20 1994**)

Section 702.125 Continuation of Expiring Permits

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- a) The conditions of an expired permit continue in force until the effective date of a new permit (see 35 Ill. Adm. Code 705.201) if:
- 1) The permittee has submitted a timely application under 35 Ill. Adm. Code 703.181 (RCRA) or 704.161 (UIC) ~~7~~-which that is a complete (under Section 702.122) application for a new permit; and
 - 2) The Agency, through no fault of the permittee, does not issue a new permit with an effective date under 35 Ill. Adm. Code 705.201 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).
- b) Effect. Permits continued under this section Section remain fully effective and enforceable.
- c) Enforcement. When the permittee is not in compliance with the conditions of the expiring or expired permit the Agency may choose to do any or all of the following:
- 1) Initiate enforcement action based upon the permit which that has been continued;
 - 2) Issue a notice of intent to deny the new permit under 35 Ill. Adm. Code 705.141. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;
 - 3) Issue a new permit under 35 Ill. Adm. Code 705 with appropriate conditions; or
 - 4) Take other actions authorized by the Environmental Protection Act, or regulations adopted thereunder.
- ~~†Board--Note~~ BOARD NOTE: See Derived from 40 CFR ~~122.5~~ 144.37 (1993) and 270.51 (1992).†
- (Source: Amended 1994^{at} 18 Ill. Reg. 18284, effective DEC 20 1994)

Section 702.126 Signatories to Permit Applications and Reports

- a) Applications. All applications shall be signed as follows:
- 1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
- A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- B) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- ~~†Board--Note~~ BOARD NOTE: The Board does not require specific
- b) Changes to authorization. If an authorization under Paragraph subsection (b) above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Paragraph subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- c) Certifications. Any person signing a document under Paragraph subsections (a) or (b) above shall make the following certification:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

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information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.32 (1993) and 270.11 (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(c) (1992).†

SUBPART C: PERMIT CONDITIONS

Section 702.140 Conditions Applicable to all Permits

The following conditions of Sections 702.141-702.145 this Subpart apply to all RCRA and UIC permits. For additional conditions applicable to all permits for each of the programs individually, see 35 Ill. Adm. Code 703.34†-e to § 704.20 Subpart E (UIC). All conditions applicable to all permits, and all additional conditions applicable to all permits for individual programs, shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 Preamble (1993) and 270.30 Preamble (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(e) (1992).†

Section 702.141 Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Illinois Environmental Protection Act and is grounds for an enforcement action; for permit revocation or modification; or for denial of a permit renewal application.

tBoard--Note BOARD NOTE: See Sections 703.242 (RCRA) and 740.181(a) (UIC) contain additional information on operation under an emergency permit. Derived from 40 CFR 144.51 (a) (1993) and 270.30(a) (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(e) (1992).†

Section 702.142 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 (b) (1993) and 270.30(b) (1992).†

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(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(c) (1992).†

Section 702.143 Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 (c) (1993) and 270.30(e) (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(e) (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(e) (1992).†

Section 702.144 Duty to Mitigate

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes affording adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51(d) (1993) and 270.30(d) (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(d) (1992).†

Section 702.145 Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes affording adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

tBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 (e) (1993) and 270.30(e) (1992).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. 18 284, effective 270.30(e) (1992).†

Section 702.146 Permit Actions

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This permit may be modified or revoked for cause. The filing of a request by the permittee for a permit modification or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51(f) (1993) and 270.30(f) (1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.147 Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege.

^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 (g) (1993) and 270.30(g) (1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.148 Duty to Provide Information

The permittee shall furnish to the Agency, within a reasonable time, any relevant information which that the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.

^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51(h)(1993) and 270.30(h) (1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.149 Inspection and Entry

The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:

- Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the appropriate Act, any substances or parameters at any location.

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^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51 (i) (1993) and 270.30(i)(1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.150 Monitoring and Records

a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Agency at any time.

c) Records of monitoring information shall include:

- 1) The date, exact place, and time of sampling or measurements;
- 2) The individual(s) who performed the sampling or measurements;
- 3) The date(s) analyses were performed;
- 4) The individual(s) who performed the analyses;
- 5) The analytical techniques or methods used; and
- 6) The results of such analyses.

^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51(j) (1993) and 270.30(j) (1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.151 Signatory Signature Requirements

All application, reports, or information submitted to the Agency shall be signed and certified in accordance with the requirements of Section 702.126†.

^fBoard--Note BOARD NOTE: See Derived from 40 CFR 144.51(k)(1993) and 270.30(k) (1992).†

(Source: Amended at DEC 20 1994)

18284, effective

Section 702.160 Establishing Permit Conditions

a) In addition to conditions required in permits for both programs (Sections 702.140 through 702.152), the Agency shall establish conditions, as required on a case-by-case basis, in RCRA and UIC permits under Section 702.150 (monitoring and records), 702.161 (duration of permits), Section 702.162 (schedules of compliance), Section 702.163 (alternate schedules of compliance), and Section

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702.164 (Recording and Reporting). For UIC only, permits for owners and operators of hazardous waste injection wells must include conditions meeting the requirements of 35 Ill. Adm. Code 704.201 through 704.203 (requirements for wells injecting hazardous waste), 704.189^r and 704.191, and 35 Ill. Adm. Code 730.5. Subpart G, Permits for other wells must contain the requirements set forth in 35 Ill. Adm. Code 704. Subpart E when applicable.

~~†BOARD--NOTE:--Derived--from--40--EPR-+44-52{b}-+99807-+99807-~~

b) Additional conditions.

- 1) In addition to conditions required in all permits for a particular program (35 Ill. Adm. Code 703.241-~~et seq.~~^rSubpart F for RCRA and 35 Ill. Adm. Code 704.181-~~et seq.~~^rSubpart C for UIC), the Agency shall establish conditions in permits for the individual programs, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of the appropriate Act and regulations.

~~†BOARD--NOTE:--Derived--from--40--EPR-+44-52{b}-+99807-~~

2) An applicable requirement is a statutory or regulatory requirement which takes effect prior to final administrative disposition of a permit. 35 Ill. Adm. Code 705.184 (reopening of comment period) provides a means for reopening permit proceedings at the discretion of the Agency where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable. An applicable requirement is also any requirement which takes effect prior to the modification of a permit, to the extent allowed in 35 Ill. Adm. Code 705.201.

~~†BOARD--NOTE:--Derived--from--40--EPR-+44-52{b}-+99807-~~

3) New or reissued permits, and to the extent allowed under 35 Ill. Adm. Code 705.201 modified permits, shall incorporate each of the applicable requirements referred in 35 Ill. Adm. Code 703.241 ~~et seq.~~^r (RCRA) and 35 Ill. Adm. Code 704.182 through 704.191 (UIC).

~~†BOARD--NOTE:--Derived--from--40--EPR-+44-52{b}-+99807-~~

c) Incorporation. All permit conditions shall be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit. BOARD NOTE: Derived from 40 CFR 144.52~~et seq.~~ (1993) and 270.32~~et seq.~~ (1992).

(Source: Amended at 18 Ill. Reg. 18284, effective DEC 20 1994)

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- a)
- 1) RCRA. RCRA permits shall be effective for a fixed term, to be determined by the Agency on a case-by-case basis, not to exceed ten years.
 - 2) UIC. UIC permits for Classes I and Class V wells shall be effective for a fixed term, to be determined by the Agency on a case-by-case basis, not to exceed ten years. UIC permits for Class III wells shall be issued for a period not to exceed five years; provided, however, that the Agency shall, without requiring a new application, renew such permits for a period not to exceed five years per renewal unless the Agency determines that the permit should be modified, revoked, or a minor modification made as provided in Sections 702.183 through 702.187, in which case the permittee shall be required to file a new application.
 - 3) Except as provided in Section 702.125, the term of a permit shall not be extended by modification beyond the maximum duration specified in this Section.
 - 4) The Agency may issue any permit for a duration that is less than the full allowable term under this Section.
 - 5) The Agency shall review each RCRA permit for a land disposal facility five years after the date of permit issuance or reissuance, and shall modify the permit as necessary, as provided in Section 702.183 and 702.184.

- ~~†Board-Note BOARD NOTE: See Derived from 40 CFR 144.36 (1993) and 270.50 (1992).~~
- (Source: Amended at 18 Ill. Reg. 18284, effective DEC 20 1994)

Section 702.162 Schedules of Compliance

- The permit may, when appropriate, specify a schedule of compliance leading to compliance with the appropriate Act and regulations.
- a) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible. For UIC, in addition, schedules of compliance shall require compliance not later than 3 years after the effective date of the permit.
 - b) Interim dates. If a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.
 - 1) The time between interim dates shall not exceed 1 year.
 - 2) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward compliance of the interim requirements and indicate a projected completion date.

Section 702.161 Duration of Permits

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- c) Reporting. A RCRA permit shall be written to require that no later than 14 days following such interim date and the final date of compliance, the Permittee shall notify the Agency in writing of its compliance or noncompliance with the interim or final requirements. A UIC permit shall be written to require that if paragraph Subsection (a) above is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.
- d) The Agency may not permit a schedule of compliance involving violation of regulations adopted by the Board unless the permittee has been granted a variance. To avoid delay, an applicant seeking a schedule of compliance should file a variance petition pursuant to 35 Ill. Adm. Code 104 at the same time the permit application is filed.
- Board Note** BOARD NOTE: See Derived from 40 CFR 122.10 144.53(a) (1993) and 270.33(a) (1992).†

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

Section 702.163 Alternative Schedules of Compliance

A RCRA or UIC permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and/or treatment or storage HWM facilities, closing pursuant to applicable requirements; or, for disposal HWM facilities, closing and conducting post-closure care pursuant to applicable requirements; or, for UIC wells, by plugging and abandonment) rather than continue to operate and meet permit requirements as follows:

- a) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which that has already been issued:
- 1) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or
 - 2) The permittee shall cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.
- b) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit shall contain a schedule leading to termination which that will ensure timely compliance with applicable requirements.
- c) If the permittee is undecided whether to cease conducting regulated activities, the Agency may issue or modify a permit to contain two schedules as follows:
- 1) Both schedules shall contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which that ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;
 - 2) One schedule shall lead to timely compliance with applicable

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- c) Requirements; schedule shall lead to cessation of regulated activities by a date which that will ensure timely compliance with applicable requirements.
- 3) The second schedule shall include a requirement that after the permittee has made a final decision under paragraph subsection (c)(1) above it shall follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.
- 4) Each permit containing two schedules shall include a requirement that the applicant's or permittee's decision to cease conducting regulated activities shall be evidenced by a firm public commitment satisfactory to the Agency, such as a resolution of the board of directors of a corporation.

(Source: Board Note BOARD NOTE: See Derived from 40 CFR 122.10-1b† 144.53(b) (1993) and 270.33(b) (1992).†)

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

Section 702.164 Recording and Reporting

- All permits shall specify:
- a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);
 - b) Required monitoring including type, intervals, and frequency sufficient to yield data which that are representative of the monitored activity including, when appropriate, continuous monitoring;
 - c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in 35 Ill. Adm. Code 724 (RCRA) and 35 Ill. Adm. Code 730 (UIC). Reporting shall be no less frequent than specified in the above regulations.
- Board Note** BOARD NOTE: See Derived from 40 CFR 122.11 144.54 (1993) and 270.31 (1992).†

(Source: Amended at 18 Ill. Reg. **18 284**, effective **DEC 20 1994**)

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UIC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification, or operation without a permit. However, a permit may be modified, reissued, or revoked during its term for cause as set forth in 35 Ill. Adm. Code 703.270 through

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- 703.273 (RCRA) and or 35 Ill. Adm. Code 704.261 through 704.263 (UIC) and Section 702.186 .
- b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
- c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in subsection (a).
- BOARD NOTE: Derived From 40 CFR 144.35 (1991-1993) and 40 CFR 270.4 (1991-1992) ~~7-29-amended at 57-Ped.-Reg-34067-January-29-1992.~~
- (Source: Amended at 18 Ill. Reg. 18 28 4, effective DEC 20 1994)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers: Adopted Action:
- | | | |
|----------|----------|---------|
| 703.110, | 703.125, | 703.126 |
| 703.140, | 703.154, | 703.156 |
| 703.158, | 703.184, | 703.186 |
| 703.200, | 703.201, | 703.205 |
| 703.206, | 703.208, | 703.210 |
| 703.211, | 703.224, | 703.232 |
| 703.241, | 703.242 | |
| 703.244 | | |
| 703.245, | 703.246, | 703.247 |
| 703.283 | | |
- 4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].
- 5) Effective Date of Rulemaking: December 20, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.

The existing text includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111, the centralized incorporation provision for all of the Illinois RCRA Subtitle C and UIC regulations [Parts 700, 702 through 705, 720 through 726, 730, 738, and 739]. None of the incorporations were altered in this rulemaking, except the format of the reference to Section 720.111 in Section 703.110 was revised.

- 8) Date Filed in Agency's Principal Office: November 3, 1994
September 9, 1994, at 18 Ill. Reg. 13646.
- 9) Notice of Proposal Published in Illinois Register:
- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.

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11) Difference(s) between proposal and final version:

The Board received several suggestions from JCAR staff and the Secretary of State for corrections to the text of the amendments as proposed. The Board tabulates the suggested corrections and our resulting actions as follows (sources of suggested corrections are indicated with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; * denotes a Section not included in proposed rule).

Section (Source of Revision)	Board Action
703. authority note (1)	Deleted ending parentheses
703. source note (2)	Illinois Register citation and effective date completed for R94-7
* 703.110 (1,4)	Section amended to reference Section 720.111 in the same format as does Section 702.104
703.206 (1,4)	Replaced ending period with semicolon and added "and"
703.208(a)(2)(B)(ii) (4)	Ending period added
703.208(a)(5)(D) (1)	Replaced ending period with semicolon
703.211(a)(4) (1)	Replaced ending period with semicolon
703.232(c)(8) (1,4)	Removed semicolon from mid-sentence (did not accept suggested alternative location of semicolon)
703.245(b)(7) (1)	Replaced ending semicolon with period
703.246(a) (1)	Replaced ending semicolon with period
703.247 (1)	Added Section source note
703.283 (1)	Added Subpart heading before Section heading
703.283(b)(2) (1,4)	Removed comma before "below"

In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in

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- not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(b)(2), 704.144(b), 704.150(f)(2)(B), and 704.194.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the preceding question, the Board modified several passages of the amendments in response to these suggestions.

- 13) Will this rulemaking replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rulemaking:
- A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Fed. Reg. 63890 (Dec. 3, 1994). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704, and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the citations to the federal sources for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulations; we substituted a date certain where all these references appeared in the open parts, and amended Section 700.106 itself to directly cite the appropriate dates.
- In particular, the amendments to Part 703 involve the corrective and clarifying amendments to the rules, to grammar, structure, and punctuation

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and in citations to parallel federal provisions. Included is the repeal of Section 703.244, which duplicates Section 703.247.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge

Attorney

Illinois Pollution Control Board

100 W. Randolph 11-500

Chicago, IL 60610

312/814-6924

The full text of the Adopted Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Scope and Relation to Other Parts
703.100	Purpose
703.101	References

SUBPART B: PROHIBITIONS

Section	Prohibitions in General
703.120	RCRA Permits
703.121	Specific Inclusions in Permit Program
703.122	Specific Exclusions from Permit Program
703.123	Discharges of Hazardous Waste
703.124	Reapplications
703.125	Initial Applications
703.126	Federal Permits (Repealed)
703.127	

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	Purpose and Scope
703.140	Permits by Rule
703.141	Application by Existing HWM Facilities
703.150	and Interim Status
	Qualifications
703.151	Application by New HWM Facilities
703.152	Amended Part A Application
703.153	Qualifying for Interim Status
703.154	Prohibitions During Interim Status
703.155	Changes During Interim Status
703.156	Interim Status Standards
703.157	Grounds for Termination of Interim Status
703.158	Permits for Less Than an Entire Facility
703.159	Closure by Removal
703.160	Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section	Applications in General
703.180	

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703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.189 Specific Part B Application Information
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 703.204 Incinerators that Burn Hazardous Waste
 703.205 Land Treatment
 703.206 Landfills
 703.207 Furnaces Burning Hazardous Waste
Specifics--Part--B--Information--Requirements--for Boilers and Industrial
Specifics--Part--B--Information--Requirements--for Boilers and Industrial
 703.208 Miscellaneous Units
 703.209 Process Vents
 703.210 Equipment
 703.211 Drip Pads

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.212 Incinerator Conditions Prior to Trial Burn
 703.222 Incinerator Conditions During Trial Burn
 703.223 Incinerator Conditions After Trial Burn
 703.224 Trial Burns for Existing Incinerators
 703.225 Land Treatment Demonstration
 703.230 Research, Development and Demonstration Permits
 703.231 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
 703.232 Permit Denial
 703.240 Establishing Permit Conditions
 703.241 Noncompliance Pursuant to Emergency Permit Monitoring
 703.243 Notice of Planned Changes Repealed
 703.244 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance

SUBPART F: PERMIT CONDITIONS OR DENIAL
 703.241 Permit Denial
 703.242 Establishing Permit Conditions
 703.243 Noncompliance Pursuant to Emergency Permit Monitoring
 703.244 Notice of Planned Changes Repealed
 703.245 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance

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Section 703.260 Transfer
 703.270 Modification
 703.271 Causes for Modification
 703.272 Causes for Modification or Reissuance
 703.273 Facility Siting
 703.280 Permit Modification at the Request of the Permittee
 703.281 Class 1 Modifications
 703.282 Class 2 Modifications
 703.283 Class 3 Modifications

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14551, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. **18316**, effective **DEC 20 1994**.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS**Section 703.110 References**

SUBPART G: CHANGES TO PERMITS
 a) When used in this Part the following publications are incorporated by reference:
 fSee 35 Ill. Adm. Code 720 et seq.

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b) The references listed in subsections (a)-(j) above are also available for inspection at the offices of the Pollution Control Board. This incorporation includes no later amendments or editions.

35 Ill. Adm. Code 720.111 includes all sources incorporated by reference for the Illinois RCRA and UIC programs.

~~BOARD NOTE: Derived from This Section corresponds with 40 CFR 270.6 f1992-7-a-9-amended-at-5-8-Ped-Reg-46651-(Aug-31r-1992).~~

(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

SUBPART B: PROHIBITIONS

Section 703.125 Reapplications

Any HWM facility with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the Agency. (The Agency shall not grant permission for applications to be submitted later than the expiration date of the existing permit.)

~~BOARD NOTE: See Derived from 40 CFR 122-22(d) 270.10(h) (1992).~~

(Source: ~~Amended at 18 Ill. Reg. **18 3 1 6**, effective DEC 2 0 1994~~)

Section 703.126 Initial Applications

Except as provided in 703. Subpart C, no person shall begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and received a finally effective RCRA permit.

~~BOARD NOTE: See Derived from 40 CFR 122-22(a)-and-(b) 270.10(f)(1) (1992).~~

(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.140 Purpose and Scope

- The Sections of this Subpart are divided into two groups:
 - Section 703.141, Permits by Rule; and
 - Sections 703.151 through 703.158, relating to interim status;
- The interim status rules correspond to ~~those portions of~~ 40 CFR 122.27-122.22-and-122.23 270. Subpart G which relate to interim status. Other portions of the federal rules may be found in 703. Subpart B. The intent is to group the interim status rules so they can be more easily ignored by those to whom they do not apply, and so they can be conveniently repealed after the interim status period.

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(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

Section 703.154 Prohibitions During Interim Status

During the interim status period the facility shall not:

- Treat, store, or dispose of hazardous waste not specified in Part A of the permit application;
- Employ processes not specified in Part A of the permit application;
- Exceed the design capacities specified in Part A of the permit application.

~~BOARD NOTE: See Derived from 40 CFR 122-22-23(b) 270.71(a) (1992).~~

(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

Section 703.156 Interim Status Standards

During interim status, owners or operators shall comply with the interim status standards at 35 Ill. Adm. Code 725.

~~BOARD NOTE: See Derived from 40 CFR 122-22(d) 270.71(b) (1992).~~

(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

Section 703.158 Permits for Less Than an Entire Facility

The Agency may issue or deny a permit for one or more units at a facility without simultaneously issuing or denying a permit to all of the units at the facility. The interim status of any unit for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

~~BOARD NOTE: Derived from 40 CFR 270.1(c)(4) (1992).~~

(Source: Amended at 18 Ill. Reg. **18 3 1 6**, effective ~~DEC 2 0 1994~~)

SUBPART D: APPLICATIONS

Section 703.184 Facility Location Information

- In order to show compliance with the facility location requirements of Section 21(1) of the Environmental Protection Act, the owner or operator shall include the following information, or a demonstration that Section 21(1) does not apply:
 - Location of any active or inactive shaft or tunnelled mine below the facility;
 - Location of any active faults in the earth's crust within 2 miles of the facility boundary;

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- 3) Location of existing private wells or existing sources of a public water supply within 1000 feet of any disposal unit boundary;
- 4) Location of the corporate boundaries of any municipalities within one and one-half miles of the facility boundary;
- BOARD NOTE: Subsections (a)(1), (a)(2), (a)(3), and (a)(4) above request information necessary to allow the Agency to determine the applicability of Section 21(1) of the Environmental Protection Act requirements. These provisions are not intended to modify the requirements of the Act. For example, the operator is required to give the location of wells on its own property, even though the Agency might find that these do not prohibit the site location.
- 5) Documentation showing approval of municipalities if such approval is required by Section 21(1) of the Environmental Protection Act of the Act;
- c) Owners and operators of all facilities shall provide an identification of whether the facility is located within a 100-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant flood map produced by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP), if used, or the calculations and maps used where a NFIP map is not available. Information must also be provided identifying the 100-year flood level and any other special flooding factors (e.g., wave action) which that must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a 100-year flood;
- BOARD NOTE: NFIP maps are available as follows: Flood Map Distribution Center, National Flood Insurance Program, Federal Emergency Management Agency, 6930 (A-F) San Thomas Road, Baltimore, MD 21227-6227. 800/638-6620; and, Illinois Floodplain Information Depository, State Water Survey, 514 WSRC, University of Illinois, Urbana, IL 61801. 217/333-0447.
- BOARD NOTE: Where NFIP maps are available, they will normally be determinative of whether a facility is located within or outside of the 100-year flood plain. However, where the NFIP map excludes an area (usually areas of the flood plain less than 200 feet in width), these areas must be considered and a determination made as to whether they are in the 100-year floodplain. Where NFIP maps are not available for a proposed facility location, the owner or operator shall use equivalent mapping techniques to determine whether the facility is within the 100-year floodplain, and if so located, what the 100-year flood elevation is.

- BOARD NOTE: Owners and operators of facilities located in the 100-year floodplain shall provide the following information:
- 1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;
- (Source: Amended at 18 Ill. Reg. DEC 20 1994)

- 18316, effective 18316
- Section 703.186 Exposure Information**
- a) Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:
- d) Owners and operators of facilities located in the 100-year floodplain shall provide the following information:
- 1) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as a consequence of a 100-year flood;

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- 2) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;
- 3) If applicable, and in lieu of subsections (d)(1) and (d)(2) above, a detailed description of procedures to be followed to remove hazardous waste to safety before the facility is flooded, including:
- A) Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility;
 - B) A description of the locations to which the waste will be moved and demonstration that those facilities will be eligible to receive hazardous waste in accordance with 35 Ill. Adm. Code 702, 703, 724, and 725;
 - C) The planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use;
 - D) The potential for accidental discharges of the waste during movement;
- BOARD NOTE: Owners and operators of existing facilities not in compliance with 35 Ill. Adm. Code 724.118(b) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance. Such owners and operators shall file a concurrent variance petition with the Board;
- BOARD NOTE: Owners or operators of new regional pollution control facilities, as defined in Section 3 of the Environmental Protection Act, shall provide documentation showing site location suitability from the county board or other governing body as provided by Section 39(c) and 39.2 of that Act.
- BOARD NOTE: Subsections (b) through (e) derived from 40 CFR 270.14(b)(1)(ii) through (b)(1)(v) (1992). The Board has not codified an equivalent to 40 CFR 270.14(b)(1)(i) and (b)(1)(ii) relating to certain seismic zones not located within Illinois.

- (Source: Amended at 18 Ill. Reg. DEC 20 1994)
- 18316, effective 18316
- Section 703.186 Exposure Information**
- a) Any Part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes of hazardous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to hazardous wastes or hazardous constituents through releases related to the unit. At a minimum, such information must address:

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- 1) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;
 - 2) The potential pathways of human exposure to hazardous wastes or constituents resulting from the releases described under subsection (a)(1) above; and
 - 3) The potential magnitude and nature of the human exposure resulting from such releases.
- (d) By August 8, 1985, owners and operators of a landfill or a surface impoundment who have already submitted a Part B application must submit the exposure information required in subsection (a).
 BOARD NOTE: See Derived from 40 CFR 270.10(j) (1992).†

(Source: Amended at 18 Ill. Reg. 18316, effective DEC 20 1994)

Section 703.200 Specific Part B Application Information

Additional information is required in the Part B application by the following Sections from owners or operators of specific types of TSD unit:

- a) Containers (Section 703.201);
 - b) Tanks (Section 703.202);
 - c) Surface impoundments (Section 703.203);
 - d) Waste piles (Section 703.204);
 - e) Incinerators (Section 703.205);
 - f) Land treatment (Section 703.206);
 - g) Landfills (Section 703.207).
- BOARD NOTE: See Derived in part from 40 CFR †22-25(b) 270.14(a) (1992).†

(Source: Amended at 18 Ill. Reg. 18316, effective DEC 20 1994)

Section 703.201 Containers

For facilities that store containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include:

- a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 721.275. Show at least the following:
 - 1) Basic design parameters, dimensions, and materials of construction;
 - 2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - 3) Capacity of the containment system relative to the number and volume of containers to be stored;
 - 4) Provisions for preventing or managing run-on;
 - 5) How accumulated liquids can be analyzed and removed to prevent overflow;
- b) For storage areas that store containers holding wastes that do not

contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including:

- 1) Test procedures and results or other documentation; information to show that the wastes do not contain free liquids; and
- 2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;
- c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and Section 724.277(c) (location of incompatible wastes), where applicable;
- d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).
 BOARD NOTE: See Derived from 40 CFR †22-25(b) 270.15 (1992).†

(Source: Amended at 18 Ill. Reg. 18316, effective DEC 20 1994)

Section 703.205 Incinerators that Burn Hazardous Waste

For facilities that incinerate hazardous waste, except as 35 Ill. Adm. Code 724.440 provides otherwise, the applicant must fulfill the requirements of subsections (a), (b), or (c) below in completing the Part B application:
 a) When seeking exemption under 35 Ill. Adm. Code 724.440(b) or (c) (ignitable, corrosive, or reactive wastes only):

- 1) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721. Subpart D solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
- 2) Documentation that the waste is listed as a hazardous waste in 35 Ill. Adm. Code 721. Subpart D solely because it is reactive (Hazard Code R) for characteristics other than those listed in 35 Ill. Adm. Code 721.123(a)(4) and (a)(5)† and will not be burned when other hazardous wastes are present in the combustion zone; or

- 3) Documentation that the waste is a hazardous waste solely because it possesses the characteristic of ignitability or corrosivity, or both, as determined by the tests for characteristics of hazardous wastes under 35 Ill. Adm. Code 721. Subpart C; or
 - 4) Documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in 35 Ill. Adm. Code 721.123 (a)(1) through (a)(3) or (a)(6) through (a)(8), and that it will not be burned when other hazardous wastes are present in the combustion zone; or
 - b) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.222 et seq.; or
 - c) In lieu of a trial burn, the applicant may submit the following information:

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- 1) An analysis of each waste or mixture of wastes to be burned including:
 - A) Heat value of the waste in the form and composition in which it will be burned;
 - B) Viscosity (if applicable) or description of physical form of the waste;
 - C) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721 Appendix H that are present in the waste to be burned, except that the applicant need not analyze for constituents listed in 35 Ill. Adm. Code 721 Appendix H that would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent;
 - D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110;
 - E) A quantification of those hazardous constituents in the waste that may be designated as POHCS based on data submitted from other trial or operational burns that demonstrate compliance with the performance standard in 35 Ill. Adm. Code 724.443;
- 2) A detailed engineering description of the incinerator, including:
 - A) Manufacturer's name and model number of incinerator;
 - B) Type of incinerator;
 - C) Linear dimension of incinerator unit including cross sectional area of combustion chamber;
 - D) Description of auxiliary fuel system (type/feed);
 - E) Capacity of prime mover;
 - F) Description of automatic waste feed cutoff system(s);
 - G) Stack gas monitoring and pollution control monitoring system;
 - H) Nozzle and burner design;
 - I) Construction materials;
 - J) Location and description of temperature, pressure and flow indicating devices and control devices;
- 3) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in subsection (c)(1) above. This analysis should specify the POHCS that the applicant has identified in the waste for which a permit

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- is sought, and any differences from the POHCS in the waste for which burn data are provided;
- 4) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;
 - 5) A description of the results submitted from any previously conducted trial burn(s) including:
 - A) Sampling and analysis techniques used to calculate performance standards in 35 Ill. Adm. Code 724.443;
 - B) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);
 - C) The certification and results required by subsection (b) above;
 - 6) The expected incinerator operation information to demonstrate compliance with 35 Ill. Adm. Code 724.443 and 724.445 including:
 - A) Expected carbon monoxide (CO) level in the stack exhaust gas;
 - B) Waste feed rate;
 - C) Combustion zone temperature;
 - D) Indication of combustion gas velocity;
 - E) Expected stack gas volume, flow rate, and temperature;
 - F) Computed residence time for waste in the combustion zone;
 - G) Expected hydrochloric acid removal efficiency;
 - H) Expected fugitive emissions and their control procedures;
 - I) Proposed waste feed cut-off limits based on the identified significant operating parameters;
 - J) The Agency may, pursuant to 35 Ill. Adm. Code 705.122, request such additional information as may be necessary for the Agency to determine whether the incinerator meets the requirements of 35 Ill. Adm. Code 724. Subpart O7 and what conditions are required by that Subpart and Section 39(d) of the Environmental Protection Act;
 - K) Waste analysis data, including that submitted in subsection (c)(1) above, sufficient to allow the Agency to specify as permit Principal Organic Hazardous Constituents (permit POHCs) those constituents for which destruction and removal efficiencies will be required;
 - L) The Agency shall approve a permit application without a trial burn if it finds that:
 - 1) The wastes are sufficiently similar; and
 - 2) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under 35 Ill. Adm. Code 724.445) operating conditions that will ensure that the performance standards in 35 Ill. Adm. Code 724.443 will be met by the incinerator.
- #BOARD NOTE: Derived from 40 CFR 270.19 (1992), as amended at 58 Fed. Reg. 46051 (Aug. 31, 1993). See-40 CFR-#22-#57-#7

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(Source: Amended July 15, 2014 18 Ill. Reg. 3310 effective**Section 703.206 Land Treatment**

For facilities that use land treatment to dispose hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A description of plans to conduct treatment demonstration as required under 35 Ill. Adm. Code 724.372. The description must include the following information:
 - 1) The wastes for which the demonstration will be made and the potential hazardous constituents in the wastes;
 - 2) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data or operating data);
 - 3) Any specific laboratory or field tests that will be conducted, including:
 - A) the type of test (e.g., column leaching, degradation);
 - B) materials and methods, including analytical procedures;
 - C) expected time for completion;
 - D) characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions and operating practices;
- b) A description of a land treatment program, as required under 35 Ill. Adm. Code 724.371. This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:
 - 1) The wastes to be land treated;
 - 2) Design measures and operating practices necessary to maximize treatment in accordance with 35 Ill. Adm. Code 724.373(a) including:
 - A) Waste application method and rate;
 - B) Measures to control soil pH;
 - C) Enhancement of microbial or chemical reactions;
 - D) Control of moisture content;
 - 3) Provisions of unsaturated zone monitoring, including:
 - A) Sampling equipment, procedures, and frequency;
 - B) Procedures for selecting sampling locations;
 - C) Analytical procedures;
 - D) Chain of custody control;
 - E) Procedures for establishing background values;
 - F) Statistical methods for interpreting results;
 - G) The justification for any hazardous constituents recommended for selection as principal hazardous constituents, in accordance with the criteria for such selection in 35 Ill. Adm. Code 724.378(a);
 - 4) A list of hazardous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste

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- analysis performed pursuant to 35 Ill. Adm. Code 724.113;
- c) The proposed dimensions of the treatment zone;
- c) A description of how the unit is or will be designed, constructed, operated and maintained in order to meet the requirements of 35 Ill. Adm. Code 724.373. This submission must address the following items:
 - 1) Control of run-off;
 - 2) Collection and control of run-off;
 - 3) Minimization of run-off of hazardous constituents from the treatment zone;
 - 4) Management of collection and holding facilities associated with run-on and run-off control systems;
 - 5) Periodic inspection of the unit. This information should be included in the inspection plan submitted under Section 703.183(e);
 - 6) Control of wind dispersal of particulate matter, if applicable; If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under 35 Ill. Adm. Code 724.376(a) will be conducted including:
 - 1) Characteristics of the food-chain crop for which the demonstration will be made;
 - 2) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;
 - 3) Procedures for crop growth, sample collection, sample analysis, and data evaluation;
 - 4) Characteristics of the comparison crop including the location and conditions under which it was or will be grown;
 - 5) If food-chain crops are to be grown and cadmium is present in the land-treated waste, a description of how the requirements of 35 Ill. Adm. Code 724.376(b) will be complied with;
 - 6) A description of the vegetative cover to be applied to closed portions of the facility and a plan for maintaining such cover during the post-closure care period, as required under 35 Ill. Adm. Code 724.380(a)(8) and (c)(2). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under Section 703.183(m);
 - 7) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of 35 Ill. Adm. Code 724.381 will be complied with;
 - 8) If incompatible wastes or incompatible wastes and materials will be placed in or on the same treatment zone, an explanation of how 35 Ill. Adm. Code 724.382 will be complied with; and
 - 9) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.383. This submission must address the following items as specified in that Section:
 - 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

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- 2) The attenuative properties of underlying and surrounding soils or other materials;
- 3) The mobilizing properties of other materials co-disposed with these wastes; and
- 4) The effectiveness of additional treatment, design, of monitoring techniques.

BOARD NOTE: See Derived from 40 CFR 270.20 (1992).[†]

(Source: Amended at 18 Ill. Reg. 18316, effective DEC 20 1994)

Section 703.208 Specific--Part--B--Information--Requirements--for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) Trial burns.
 - 1) General. Except as provided below, owners and operators that are subject to the standards to control organic emissions provided by 35 Ill. Adm. Code 726.204, standards to control particulate matter provided by 35 Ill. Adm. Code 726.205, standards to control metals emissions provided by 35 Ill. Adm. Code 726.206, or standards to control hydrogen chloride (HCl) or chlorine gas emissions provided by 35 Ill. Adm. Code 726.207 shall conduct a trial burn to demonstrate conformance with those standards and shall submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with Section 703.232.
 - A) Under subsection (a)(2) through (a)(5) below and 35 Ill. Adm. Code 726.204 through 726.207, the Agency may waive a trial burn to demonstrate conformance with a particular emission standard; and
 - B) The owner or operator may submit date data in lieu of a trial burn, as prescribed in subsection (a)(6) below.
- 2) Waiver of trial burn of DRE (destruction removal efficiency).
 - A) Boilers operated under special operating requirements. When seeking to be permitted under 35 Ill. Adm. Code 726.204(a)(4) and 726.210, which automatically waive the DRE trial burn, the owner or operator of a boiler shall submit documentation that the boiler operates under the special operating requirements provided by 35 Ill. Adm. Code 726.210.
 - B) Boilers and industrial furnaces burning low risk waste. When seeking to be permitted under the provisions for low risk waste provided by 35 Ill. Adm. Code 726.204(a)(5) and 726.209(a), not which waive the DRE trial burn, the owner or operator shall submit:
 - i) Documentation that the device is operated in conformance with the requirements of 35 Ill. Adm. Code 726.209(a)(1).
 - ii) Results of analyses of each waste to be burned,

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- documenting the concentrations of nonmetal compounds listed in 35 Ill. Adm. Code 721.Appendix H, except for those constituents that would reasonably not be expected to be in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion explained. The analysis must rely on analytical techniques specified in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods (incorporated by reference, see 35 Ill. Adm. Code 720.111)
- iii) Documentation of hazardous waste firing rates and calculations of reasonable, worst-case emission rates of each constituent identified in subsection (a)(2)(B)(ii)⁷ above⁷ using procedures provided by 35 Ill. Adm. Code 726.209(a)(2)(B).
- iv) Results of emissions dispersion modeling for emissions identified in subsection (a)(2)(B)(iii)⁷ above⁷ using modeling procedures prescribed by 35 Ill. Adm. Code 726.206(h). The Agency shall review the emission modeling conducted by the applicant to determine conformance with these procedures. The Agency shall either approve the modeling or determine that alternate or supplementary modeling is appropriate.
- v) Documentation that the maximum annual average ground level concentration of each constituent identified in subsection (a)(2)(B)(ii)⁷ above⁷ quantified in conformance with subsection (a)(2)(B)(iv)⁷ above⁷ does not exceed the allowable ambient level established in 35 Ill. Adm. Code 726.Appendices Appendix D or E. The acceptable ambient concentration for emitted constituents for which a specific reference air concentration has not been established in 35 Ill. Adm. Code 726.Appendix D or risk-specific does has not been established in 35 Ill. Adm. Code 726.Appendix E is 0.1 micrograms per cubic meter, as noted in the footnote to 35 Ill. Adm. Code 726.Appendix D.
- 3) Waiver of trial burn for metals. When seeking to be permitted under the Tier I (or adjusted Tier I) metals feed rate screening limits provided by 35 Ill. Adm. Code 726.206(b) and (e) that control metals emissions without requiring a trial burn, the owner or operator, shall submit:
 - A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
 - B) Documentation of the concentration of each metal controlled by 35 Ill. Adm. Code 726.206(b) or (c) in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of each metal;
 - C) Documentation of how the applicant will ensure that the Tier I feed rate screening limits provided by 35 Ill. Adm. Code

[†] Feed rate screening limits provided by 35 Ill. Adm. Code

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- 726.206(b) or (e) will not be exceeded during the averaging period provided by that subsection;
- D) Documentation to support the determination of the TESH (terrace-adjusted effective stack height), good engineering practice stack height, terrain type, and land use as provided by 35 Ill. Adm. Code 726.206(b)(3) through (5);
- E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.206(b)(6), if applicable, for facilities with multiple stacks;
- F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.206(b)(7) for eligibility to comply with the screening limits; and
- G) Proposed sampling and metals analysis plan for the hazardous waste, other fuels, and industrial furnace feed stocks.
- 4) Waiver of trial burn for PM (particulate matter), when seeking to be permitted under the low risk waste provisions of 35 Ill. Adm. Code 726.209(b)², which waives the particulate standard (and trial burn to demonstrate conformance with the particulate standard), applicants shall submit documentation supporting conformance with subsections (a)(2)(B) and (a)(3) above.
- 5) Waiver of trial burn for HCl and chlorine gas. When seeking to be permitted under the Tier I (or adjusted Tier I) feed rate screening limits for total chlorine and chloride provided by 35 Ill. Adm. Code 726.207(b)(1) and (e) that control emissions by HCl and chlorine gas without requiring a trial burn, the owner or operator shall submit:
- A) Documentation of the feed rate of hazardous waste, other fuels, and industrial furnace feed stocks;
- B) Documentation of the levels of total chlorine and chloride in the hazardous waste, other fuels and industrial furnace feedstocks, and calculations of the total feed rate of total chlorine and chloride;
- C) Documentation of how the applicant will ensure that the Tier I (or adjusted Tier I) feed rate screening limits provided by 35 Ill. Adm. Code 726.207(b)(1) or (e) will not be exceeded during the averaging period provided by that subsection;
- D) Documentation to support the determination of the TESH, good engineering practice stack height, terrain type and land use as provided by 35 Ill. Adm. Code 726.207(b)(3);
- E) Documentation of compliance with the provisions of 35 Ill. Adm. Code 726.207(b)(4), if applicable, for facilities with multiple stacks;
- F) Documentation that the facility does not fail the criteria provided by 35 Ill. Adm. Code 726.207(b)(3) for eligibility to comply with the screening limits; and
- G) Proposed sampling and analysis plan for total chlorine and chloride for the hazardous waste, other fuels, and

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- industrial furnace feedstocks.
- 6) Data in lieu of trial burn. The owner or operator may seek an exemption from the trial burn requirements to demonstrate conformance with Section 703.232 and 35 Ill. Adm. Code 726.204 through 726.207 by providing the information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203⁷ or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 from previous compliance testing of the device in conformance with 35 Ill. Adm. Code 726.203, or from compliance testing or trial or operational burns of similar boilers or industrial furnaces burning similar hazardous wastes under similar conditions. If data from a similar device is used to support a trial burn waiver, the design and operating information required by Section 703.232 must be provided for both the similar device and the device to which the data is to be applied, and a comparison of the design and operating information must be provided. The Agency shall approve a permit application without a trial burn if the Agency finds that the hazardous wastes are sufficiently similar, the devices are sufficiently similar, the operating conditions are sufficiently similar, and the data from other compliance tests, trial burns, or operational burns are adequate to specify (under 35 Ill. Adm. Code 726.102) operating conditions that will ensure conformance with 35 Ill. Adm. Code 726.102(c). In addition, the following information shall be submitted:
- A) For a waiver from any trial burn:
- i) A description and analysis of the hazardous waste to be burned compared with the hazardous waste for which data from compliance testing or operational or trial burns are provided to support the contention that a trial burn is not needed;
- ii) The design and operating conditions of the boiler or industrial furnace to be used, compared with that for which comparative burn data are available; and
- iii) Such supplemental information as the Agency finds necessary to achieve the purposes of this subsection.
- B) For a waiver of the DRE trial burn, the basis for selection of POHCs (principal organic hazardous constituents) used in the other trial or operational burns which demonstrate compliance with the DRE performance standard in 35 Ill. Adm. Code 726.204(a). This analysis should specify the constituents in 35 Ill. Adm. Code 721.Appendix H₇ that the applicant has identified in the hazardous waste for which a permit is sought and any differences from the POHCs in the hazardous waste for which burn data are provided.

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- b) Alternative HC limit for industrial furnaces with organic matter in raw materials. Owners and operators of industrial furnaces requesting an alternative HC limit under 35 Ill. Adm. Code 726.204(f) shall submit the following information at a minimum:
- 1) Documentation that the furnace is designed and operated to minimize HC emissions from fuels and raw materials;
 - 2) Documentation of the proposed baseline flue gas HC (and CO) concentration, including data on HC (and CO) levels during tests when the facility produced normal products under normal operating conditions from normal raw materials while burning normal fuels and when not burning hazardous waste;
 - 3) Test burn protocol to confirm the baseline HC (and CO) level including information on the type and flow rate of all feedstreams, point of introduction of all feedstreams, total organic carbon content (or other appropriate measure of organic content) of all nonfuel feedstreams, and operating conditions that affect combustion of fuel(s) and destruction of hydrocarbon emissions from nonfuel sources;
 - 4) Trial burn plan to:
- A) Demonstrate that flue gas HC (and CO) concentrations when burning hazardous waste do not exceed the baseline HC (and CO) level; and
- B) Identify, in conformance with Section 703.232(d), the types and concentrations of organic compounds listed in 35 Ill. Adm. Code 721-Appendix H that are emitted when burning hazardous waste;
- 5) Implementation plan to monitor over time changes in the operation of the facility that could reduce the baseline HC level and procedures to periodically confirm the baseline HC level; and
- 6) Such other information as the Agency finds necessary to achieve the purposes of this subsection.
- c) Alternative metals implementation approach. When seeking to be permitted under an alternative metals implementation approach under 35 Ill. Adm. Code 726.206(f), the owner or operator shall submit documentation specifying how the approach ensures compliance with the metals emissions standards of 35 Ill. Adm. Code 726.106(c) or (d) and how the approach can be effectively implemented and monitored. Further, the owner or operator shall provide such other information that the Agency finds necessary to achieve the purposes of this subsection.
- d) Automatic waste feed cutoff system. Owners and operators shall submit information describing the automatic waste feed cutoff system, including any pre-alarm systems that may be used.
- e) Direct transfer. Owners and operators that use direct transfer operations to feed hazardous waste from transport vehicles (containers, as defined in 35 Ill. Adm. Code 726.211) directly to the boiler or industrial furnace shall submit information supporting conformance with the standards for direct transfer provided by 35 Ill. Adm. Code 726.211.

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- f) Residues. Owners and operators that claim that their residues are excluded from regulation under the provision of 35 Ill. Adm. Code 726.212 shall submit information adequate to demonstrate conformance with those provisions.
- BOARD NOTE: Derived from 40 CFR 270.22 (1992).
- 1) Documented effective date of the amendment: **DEC 20, 1994**.
- (Source: Amended at 18 Ill. Reg. **18316**, effective **DEC 20, 1994**)
- Section 703.210 Process Vents
- b) Documentation of compliance with the process vent standards in 35 Ill. Adm. Code 724.932, including:
- 1) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for the affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the hazardous waste management units on a facility plot plan);²
 - 2) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) which represent the conditions which exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur;²
 - 3) Information and data used to determine whether or not a process vent is subject to 35 Ill. Adm. Code 724.932.
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with 35 Ill. Adm. Code 724.932, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
- d) Documentation of compliance with 35 Ill. Adm. Code 724.933, including:
- 1) A list of all information references and sources used in

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- Preparing the documentation.
- 2) Records including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(k).
 - 3) A design analysis, specifications, drawings, schematics, and piping, and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C).
 - 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.
 - 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of 35 Ill. Adm. Code 724.932(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.
- BOARD NOTE:** Derived from 40 CFR 270.24 (1992).

(Source: Amended 1994 18 Ill. Reg. 18 316, effective DEC 22 1994)

Section 703.211 Equipment

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of facilities which have equipment to which 35 Ill. Adm. Code 724. Subpart BB applies shall provide the following additional information:

- a) For each piece of equipment to which 35 Ill. Adm. Code 724. Subpart BB applies:
 - 1) Equipment identification number and hazardous waste management unit identification;
 - 2) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility pilot plan);
 - 3) Type of equipment (e.g., a pump or pipeline valve);
 - 4) Percent by weight total organics in the hazardous wastewater at the equipment;
 - 5) Hazardous waste state at the equipment (e.g., gas/vapor or liquid); and
 - 6) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- b) For facilities which cannot install a closed-vent system and control device to comply with 35 Ill. Adm. Code 724. Subpart BB on the effective date that facility becomes subject to this Subpart or 35 Ill. Adm. Code 724. Subpart BB, an implementation schedule as specified

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- in 35 Ill. Adm. Code 724.933(a)(2).
- c) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 35 Ill. Adm. Code 724.935(b)(3).
 - d) Documentation which demonstrates compliance with the equipment standards in 35 Ill. Adm. Code 724.952 or 724.959. This documentation must contain the records required under 35 Ill. Adm. Code 724.964. The Agency shall request further documentation if necessary to demonstrate compliance. Documentation to demonstrate compliance with 35 Ill. Adm. Code 724.960 must include the following information:
 - 1) A list of all information references and sources used in preparing the documentation;
 - 2) Records, including the dates of each compliance test required by 35 Ill. Adm. Code 724.933(j)(2);
 - 3) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of APTI Course 415, incorporated by reference in 35 Ill. Adm. Code 720.111, or other engineering texts approved by the Agency which present basic control device design information. The design analysis must address the vent stream characteristics and control device parameters as specified in 35 Ill. Adm. Code 724.935(b)(4)(C);
 - 4) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions which exist when the hazardous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur; and
 - 5) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.
- BOARD NOTE:** Derived from 40 CFR 270.25 (1992).

(Source: Amended 1994 18 Ill. Reg. 18 316, effective DEC 22 1994)

SUBPART E: SHORT TERM AND PHASED PERMITS**Section 703.224 Incinerator Conditions After Trial Burn**

For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Agency may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of 35 Ill. Adm. Code 724.445, in the permit to a new hazardous waste incinerator. These Permit

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conditions will be effective for the minimum time required to complete sample analysis, data computation, and submission of the trial burn results by the applicant and modification of the facility permit by the Agency:

- a) Applicants must submit a statement, with Part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of 35 Ill. Adm. Code 724.442, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in 35 Ill. Adm. Code 724.445;

b) The Agency will review this statement and any other relevant information submitted with Part B of the permit application and specify those requirements for this period most likely to meet the performance standards of 35 Ill. Adm. Code 724.443 based on engineering judgment.

~~BOARD NOTE: See Derived from 40 CFR 122-27(b)(3) 270.62(c) (1992).~~

(Source: Amended at 18 Ill. Reg. **18-316**, effective DEC 20 1994)

Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsection (b) through (f) below. Boilers and industrial furnaces operating under the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) below.

b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:

- 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish in the Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.

- A) Applicants must submit a statement, with part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the

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- applicable operating requirements identified in 35 Ill. Adm. Code 726.202 (e).
- B) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202 (e). Applicants shall propose a trial burn plan, prepared under subsection (c) below, to be submitted with part B of the permit application.
- A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data compilation and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall established the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- B) Applicants shall submit a statement, with part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).
- C) The Agency shall review this statement and any other relevant information submitted with part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

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- c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.
- 1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:
 - A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride and ash;
 - B) Viscosity or description of the physical form of the feed stream;
 - C) An analysis of each hazardous waste, as fired, including:
 - A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721 Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.
 - B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent.
 - C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, an analysis of the material with which the hazardous waste prior to blending, an analysis of the material with which the hazardous waste is blended, and blending ratios.
 - D) A detailed engineering description of the boiler or industrial furnace, including:
 - A) Manufacturer's name and model number of the boiler or industrial furnace;
 - B) Type of boiler or industrial furnace;
 - C) Maximum design capacity in appropriate units;
 - D) Description of the feed system for the hazardous waste, and as appropriate, other fuels and industrial furnace feedstocks;
 - E) Capacity of hazardous waste feed system;

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- F) Description of automatic hazardous waste feed cutoff system(s); and
- G) Description of any pollution control system; and
- H) Description of stack gas monitoring and any pollution control monitoring systems.
- 4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the systems, the equipment to be used, sampling and monitoring frequency and sample analysis.
 - 5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) above.
 - 6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.
 - 7) A description of and planned operating conditions for any emission control equipment that will be used.
 - 8) Procedures for rapidly stopping the hazardous waste feed and controlling emissions in the event of an equipment malfunction.
 - 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) above.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - 2) The Agency shall approve a trial burn plan if the Agency finds that:
 - A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107.
 - B) The trial burn itself will not present an imminent hazard to human health and the environment;
 - C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
 - D) The information sought in the trial burn cannot reasonably be developed through other means.
- 3) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) above. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

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- 4) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 5) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721. Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721 Appendix G as the basis for listing.
- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:
- 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride, in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
 - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):
 - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
 - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
 - C) A computation of (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a).
 - 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra-octa congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.
 - 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d) or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards;
 - 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber

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- water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;
- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and where required hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. 726.202(e) as necessary to meet those performance standards.
- 9) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). Applicants that submit a trial burn plan and receive approval before submission of the part B permit application shall complete the trial burn and submit the results specified in subsection (F) above with the part B permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant shall contact the Agency to establish a later date for submission of the part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.
- BOARD NOTE: Derived from 40 CFR 270.66 (1992), as amended at 58 Fed. Reg. 46051 (Aug. 31, 1993).
- (Source: Amended DEC 20 1994)

SUBPART F: PERMIT CONDITIONS

Section 703.241 Establishing Permit Conditions

- a) General conditions:
- 1) In addition to the conditions established under 35 Ill. Adm. Code 702.160(a), each RCRA permit shall include permit conditions necessary to achieve compliance with each of the applicable

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requirements specified in 35 Ill. Adm. Code 724 and 726 through 728. In satisfying this provision, the Agency may incorporate applicable requirements of 35 Ill. Adm. Code 724 and 726 through 728 directly into the permit or establish other permit conditions that are based on these parts;

- 2) Each RCRA permit issued under Section 39(d) of the Environmental Protection Act shall contain terms and conditions which shall determine are necessary to protect human health and the environment.
- ~~amended-at-51-Ped-Reg-406367-November-7-1986-†;~~
- b) The conditions specified in the ~~this following Sections~~ Subpart, in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152, apply to all RCRA permits.

BOARD NOTE: Derived from 40 CFR 270.30 preamble (1992).

(Source: Amended at 18 Ill. Reg. **18 316**, effective DEC 20 1994)

Section 703.242 Noncompliance Pursuant to Emergency Permit

In addition to 35 Ill. Adm. Code 702.141 (duty to comply), the permittee need not comply with the conditions of this ~~its~~ permit to the extent and for the duration such noncompliance is authorized in an emergency permit. (See Section 703.221).

BOARD NOTE: See Derived from 40 CFR 122.28 270.30(a) (1992).†

Section 703.244 Notice of Planned Changes (Repealed)

~~In-addition-to-35-Ill.-Adm.-Code-702.155-(a)-(note-of-planned-change)-for-a-new-HM-facility-the-permittee-may-not-commence-treatment-storage-or-disposal-of-hazardous-waste--and--for-a-facility-being-modified-the-permittee-may-not-treat-store-or-dispose-of-hazardous-waste-in--the-modified--portion--of--the-facility-until:~~

~~a) The-permittee-has-submitted-to-the-Agency-by-certified-mail-or-hand-delivery-a-letter-signed-by-the-permittee--and--a--registered-professional-engineer--stating--that--the--facility-has-been-constructed-or-modified-in-compliance-with-the-permit--and~~

~~b† The-Agency--has--inspected--the--modified--or--newly--constructed~~

~~facility--and--finds--it--is--in--compliance--with--the--condition--of--the~~

~~permit--or--~~

~~2† If--within--15--days--of--the--date--of--submission--of--the--letter--in--paragraph--(a)--the--permittee--has--not--received--notice--from--the--Agency--of--its--intent--to--inspect--prior--inspection--is--notified--and--the--permittee--may--commence--treatment--storage--or--disposal--of--hazardous--waste--~~

~~†BOARD-NERB--See-40-CFR-122.28(e)†~~

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(Source: Repealed at 18 Ill. Reg. **18 316**, effective DEC 20 1994)

Section 703.245 Twenty-four Hour Reporting

- a) The permittee shall report any noncompliance which may endanger health or the environment orally within 24 hours after the permittee becomes aware of the circumstances, including:
- 1) Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies;
 - 2) Any information of a release or discharge of hazardous waste, or of a fire or explosion from a HWM facility, which could threaten the environment or human health outside the facility.

- b) The description of the occurrence and its cause shall include:
- 1) Name, address, and telephone number of the owner or operator;
 - 2) Name, address, and telephone number of the facility;
 - 3) Date, time, and type of incident;
 - 4) Name and quantity of material(s) involved;
 - 5) The extent of injuries, if any;
 - 6) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable;

- 7) Estimated quantity and disposition of recovered material that resulted from the incident;†
- c) A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates, and times, and, if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Agency may waive the five day written notice requirement in favor of a written report within fifteen days.

†BOARD NOTE: See Derived from 40 CFR 270.30(k)(6).†

(Source: Amended at 18 Ill. Reg. **18 316**, effective DEC 20 1994)

Section 703.246 Reporting Requirements

The following reports required by 35 Ill. Adm. Code 724 shall be submitted in addition to those required by 35 Ill. Adm. Code 702.152 (reporting requirements):

- a) Manifest discrepancy report: if a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen days, the permittee must submit a letter report including a copy of the manifest to the Agency (See 35 Ill. Adm. Code 724.172).†
- b) Unmanifested waste report: if hazardous waste is received without an

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- accompanying manifest, the permittee must ~~be--submitted~~ submit an unmanifested waste report to the Agency within 15 days of receipt of unmanifested waste. (See 35 Ill. Adm. Code 724.176)
- c) Annual report: an annual report must be submitted covering facility activities during the previous calendar year (See 35 Ill. Adm. Code 724.175).
- BOARD NOTE: See Derived from 40 CFR ~~§22-28(e)~~ 270.30(1)(7) through (11)(9). (1992.)†

(Source: Amended at 18 Ill. Reg. **18 316,** effective **DEC 20 1994**)

Section 703.247 Anticipated Noncompliance

In addition to 35 Ill. Adm. Code 702.152(b), for a new facility, the permittee shall not treat, store, or dispose of hazardous waste; and for a facility being modified, the permittee shall not treat, store, or dispose of hazardous waste in the modified portion of the facility, except as provided in Section 703.280, until:

- a) The permittee has submitted to the Agency by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
- b) Either:
- 1) The Agency has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
 - 2) Within 15 days after the date of submission of the letter in subsection (a), the permittee has not received notice from the Agency of its intent to inspect, the permittee may commence treatment, storage, or disposal of hazardous waste.
- BOARD NOTE: Derived from 40 CFR 270.30(1)(2) (~~1992~~ ~~1998~~)¹⁸³¹⁶
amended-at-53-Ped-Reg-379347-September-28-1998.

(Source: Amended at 18 Ill. Reg. **18 316,** effective **DEC 20 1994**)

SUBPART G: CHANGES TO PERMITS

Section 703.283 Class 3 Modifications

- a) For Class 3 modifications, listed in Appendix A, the permittee shall submit a modification request to the Agency which that:
- 1) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;
 - 2) Identifies that the modification is a Class 3 modification;
 - 3) Explains why the modification is needed; and
 - 4) Provides the applicable information required by Section 703.181 through 703.187, 703.201 through 703.209, 703.221 through

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- b) The permittee shall send a notice of the modification request to all persons on the facility mailing list maintained by the Agency and to the appropriate units of State and local government, as specified in 35 Ill. Adm. Code 705.163(a)(5), and shall publish this notice in a newspaper of general circulation in the County in which the facility is located. This notice must be mailed and published within 7 days before or after the date of submission of the modification request, and the permittee shall provide to the Agency evidence of the mailing and publication. The notice must include:
- 1) Announcement of a 60-day comment period, in accordance with subsection (e), below, and the name and address of an Agency contact to whom comments must be sent;
 - 2) Announcement of the date, time, and place for a public meeting held in accordance with subsection (d) below;
 - 3) Name and telephone number of the permittee's contact person;
 - 4) Name and telephone number of an Agency contact person;
 - 5) Locations where copies of the modification request and any supporting documents can be viewed and copies; and
 - 6) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the Agency contact person."
- c) The permittee shall place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.
- d) The permittee shall hold a public meeting no earlier than 15 days after the publication of the notice required in subsection (b), above and no later than 15 days before the close of the 60-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.
- e) The ~~the~~ public shall be provided 60 days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments must be submitted to the Agency contact identified in the public notice.
- f) After the conclusion of the 60-day comment period, the Agency shall grant or deny the permit modification request, according to the permit modification procedures of 35 Ill. Adm. Code 705. In addition, the Agency shall consider and respond to all significant written comments received during the 60-day comment period.

BOARD NOTE: Derived from 40 CFR 270.42(c) (1992).

(Source: Amended at 18 Ill. Reg. **18 316,** effective **DEC 20 1994**)

effective

18 316,

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1) Heading of the Part: UIC PERMIT PROGRAM2) Code Citation: 35 Ill. Adm. Code 7043) Section Numbers: Adopted Action:704.102, 704.103, 704.104
704.105, 704.1121, 704.1123

Amended

4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].5) Effective Date of Rulemaking: December 20, 19946) Does this rulemaking contain an automatic repeal date? No.7) Does this rulemaking contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: Order adopted November 3, 1994.9) Notice of Proposal Published in Illinois Register:

September 9, 1994, at 18 Ill. Reg. 13675

10) Has JCAR issued a Statement of Objections to these rules? No

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.

11) Difference(s) between proposal and final version:

The Board received several suggestions from JCAR staff and the Secretary

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of State for corrections to the text of the amendments as proposed. The Board tabulates suggested corrections and our resulting actions as follows (sources of suggested corrections are indicated with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; * denotes a Section not included in proposed rule):

<u>Section(Source of Revision)</u>	<u>Board Action</u>
704.table of contents (1)	Amended listing for Section 704.142 to reflect amendments to Section heading in the text of the rules
704.authority note (1)	Deleted ending parentheses
704.source note (1)	Added missing Illinois Register volume number in citation to R89-2
704.121 (1)	Pluralized the Subpart heading before the Section heading to agree with the listing in the table of contents
704.121 (1)	Capitalized "Part" (two appearances); added source note
704.121 (3)	Capitalized "Part" (two appearances); added omitted federal amendments to render text as "authorized by rule or except as authorized by a permit"; added source note
704.123(b) (2)	Added subsection heading
704.123(b)(1) (4)	Added language to missing subsection to maintain structural consistency of rules (rather than renumber subsections (b) through (d))
704.142 (1)	Added "Section" to heading; corrected misspelling of the word "or"
704.142(f) (1)	Changed "forty eight" to "48"; added omitted word "mechanical"
704.142(i) (1)	Added "by" after word "regulated"
704.142 source note (1)	Corrected format to reflect former codification

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- 704.143 (3) Corrected "plugging or abandonment" to "plugging and abandonment"
- 704.144 (3, 4) Renumbered existing text as subsection (a); added subsection (b) to require compliance with Agency-imposed Operational conditions; added subsection (c) to clarify that the imposition of operational conditions by the Agency does not require the Agency to require a permit (alternative to suggestions relating to Section 704.105(f)(2)(B) and 704.194)
- 704.146(a) (1) Removed underlining from ending period
- 704.146(c) (3) Restored words "or" upon proper closure of the well" omitted from proposed amendments
- 704.147(a) (1,3) Removed words "Class IV"
- 704.148 (1) Corrected misspelling of the word "or"
- 704.148(d)(1) (1) Singularized "owner"
- 704.148(e)(1) (1) Added missing words "notice from the Agency" after word "receives"
- 704.148(e)(4) Board note (1) Deleted ending parentheses
- 704.148 end Board note (1,4) Deleted ending parentheses; added year to citation to the Code of Federal Regulations; Added citation to the Federal Register action prompting the amendments
- 704.149(b)(1) (1) Replaced ending period with semicolon
- 704.149(d) (2) Renumbered second subsection "(c)" to (d)
- 704.149 source note (1) Corrected "added" to "amended"
- 704.150(1) (4) Deleted the word "or" at the end

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- 704.150(b)(2) (1,4) Replaced ending period with semicolon; added the word "and" at the end
- 704.150(c)(2) (1) Lower cased the word "plan"
- 704.150(d)(1) (1) Added omitted words "demonstrate and" before the word "maintain"
- 704.150(d)(2) (3) Corrected misspelling of the word "or" in the second sentence
- 704.150(e) & (f) (1) Corrected subsection numbering amendments format
- 704.150(f)(2) (1) Lower cased the word "mechanical"
- 704.150(f)(2) (A) (1) Added colon at the end
- 704.150(f)(2)(B) (3) Replaced words "permit condition" with words "written notice"; added Board note explaining nature of notice as appealable to the Board (alternative to suggested deletion of words "permit condition"; related to changes in Sections 704.144 and 704.194)
- 704.150(g)(2) & (h)(2) (1) Added the word "by" after the word "regulated"
- 704.150(h)(3) (1) Replaced existing semicolon with a colon
- 704.150(l)(1) (3) Added omitted amendment changing "owner or operator" to "transferor of a Class I or Class III well authorized by rule"
- 704.150(l)(2) (3) Added omitted words "a specific date for transfer of ownership or operational control of the well; and"
- 704.150 source note (1) Added the missing Section source note
- 704.161 end Board note (4) Added the omitted citation to the Federal Register source of the amendments

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- 704.162(c)(1) (1) Replaced ending period with semicolon
- 704.164 source note (1) Corrected "added" to "amended"
- 704.181(f) (1) Added word "Class" before "III"
- 704.181(h)(1) (1) Corrected misspelling of the word "or"
- 704.181(h)(3) (1,3) Corrected the typographic error "tot he" to "to the"
- 704.181(h)(3) (3) Corrected "showing" to read "demonstration"
- 704.182 end Board note (1) Deleted underlining under and period
- 704.189(c) (1) Corrected numbering of former subsection (b) to subsection (c)
- 704.189 end Board note (1) Deleted end parentheses
- 704.194 (3) Designated proposed provision as subsection (a); rewored the first line to make the imposition of a condition requiring recordkeeping and reporting discretionary with the Agency; added language to allow the Agency to require recordkeeping and reporting by written notice to the owner or operator of a facility authorized by rule; added language to the Board note to indicate that a written notice to the owner or operator of a facility authorized by rule is appealable to the Board (alternative to suggested language and suggestion to relocate this Section to Subpart A; related to changes in Sections 704.144 and 704.150(f)(2)(B)); added subsection (b) to assure that the modification for cause limitation of Section 704.261 does not apply to this Section

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- 704.213 (1) Added the Subsection heading before the Section heading
- In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(b)(2), 704.144(b), 704.150(f)(2)(B), and 704.194.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the preceding question, the Board modified several passages of the amendments in response to these suggestions.

- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Fed. Reg. 63890 (Dec. 3, 1994). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704, and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the citations to the federal sources in the

704.203(a) (1)

Added a period at the end

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Board notes for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulations; we substituted a date certain where all these references appeared in the open parts and amended Section 700.106 itself to directly cite the appropriate dates.

In particular, the amendments to Part 704 incorporate the federal mechanical integrity testing, financial responsibility, and authorization by rule amendments. They also include a number of the described corrective and clarifying amendments.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCarbridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6324

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 704

UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	Content
704.101	Scope of the Permit or Rule Requirement
704.102	Identification of Aquifers
704.103	Exempted Aquifers
704.104	Specific Inclusions and Exclusions
704.105	Classification of Injection Wells
704.106	Definitions
704.107	Definitions

SUBPART B: PROHIBITIONS

Section	Content
704.121	Prohibition of Unauthorized Injection
704.122	Prohibition of Movement of Fluid into USDW
704.123	Identification of USDW and Exempted Aquifers
704.124	Prohibition of Class IV Wells

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	Content
704.141	Existing Class I and III Wells
704.142	Existing--Class--IV--Wells--not--into--USDW ^(Renumbered) Prohibitions on Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Wells
704.146	Class V Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring Other Information
704.150	Requirements for Class I and III Wells authorized by Rule
704.151	RCRA Interim Status for Class I Wells

SUBPART D: APPLICATION FOR PERMIT

Section	Content
704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits

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(Source: Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)

Section 704.103 Identification of Aquifers

During UIC program development, the Agency may identify aquifers and portions of aquifers which are actual or potential sources of drinking water. This identification will provide an aid to the Agency in carrying out its duty to protect all USDWs. An aquifer is a USDW if it fits the definition, even if it has not been "identified." ~~†35 Ill. Adm. Code 702-706†~~
 tBOARD NOTE: See 35 Ill. Adm. Code 702-706†
122-316†††144.1(g) (1993).†

(Source: ~~Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)~~

Section 704.104 Exempted Aquifers

The Board may designate "exempted aquifers" using criteria in 35 Ill. Adm. Code 730. Such aquifers are those ~~which~~ that would otherwise qualify as "underground sources of drinking water" to be protected, but which have no real potential to be used as drinking water sources. Therefore they're not USDWs. No aquifer is an "exempted aquifer" until it has been affirmatively designated under the procedures in Sec. Section 704.123. Aquifers ~~which~~ that do not fit the definition of "underground sources of drinking water" are not "exempted aquifers." They are simply not subject to the special protection afforded USDWs. ~~†35 Ill. Adm. Code 702-705†~~
 tBOARD NOTE: See 35 Ill. Adm. Code 702-705†
144.1(g) (1993).†

(Source: ~~Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)~~

Section 704.105 Specific Inclusions and Exclusions

- a) The following wells are included among those types of injection activities ~~which~~ that are covered by the UIC regulations. (This list is not intended to be exclusive but is for clarification only.)
 - 1) Any injection well located on a drilling platform inside territorial waters of the State of Illinois;
 - 2) Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids;
 - 3) Any septic tank or cesspool used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste;
 - 4) Any septic tank, cesspool, or other well used by a multiple dwelling, community, or regional system for the injection of wastes.

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- b) The following are not covered by these regulations:
 - 1) Injection wells located on a drilling platform or other site that is beyond the territorial waters of the State of Illinois;
 - 2) Individual or single family residential waste disposal systems such as domestic cesspools or septic systems;
 - 3) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems are used solely for the disposal of sanitary waste, and have the capacity to serve fewer than 20 persons a day;
 - 4) Injection wells used for injection of hydrocarbons ~~which~~ that are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage;
 - 5) Any dug hole ~~which~~ that is not used for emplacement of fluids underground;
 - 6) Class II wells.
- c) The prohibition applicable to Class IV wells under Section 704.124 does not apply to injections of hazardous wastes into aquifers or portions thereof ~~which~~ that have been exempted pursuant to 35 Ill. Adm. Code 730.104.
 tBOARD NOTE: ~~See~~ Derived from 40 CFR ~~122-316†††144.1(g)(1)~~
(g)(3) (1993).†

(Source: Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)

SUBPART B: PROHIBITION PROHIBITIONS

Section 704.121 Prohibition of Unauthorized Injection

- Underground Any underground injection, ~~is prohibited~~ except ~~as~~ into a well authorized by permit or rule issued under this Part and 35 Ill. Adm. Code 705, as applicable, is prohibited. The construction of any well required to have a permit under this part is prohibited until the permit has been issued.
 tBOARD NOTE: ~~See~~ Derived from 40 CFR ~~122-313 144.11 (1993)~~, as amended at 58 Fed. Reg. 63895 (Dec. 3, 1993).
- (Source: ~~Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)~~

Section 704.123 Identification of USDW and Exempted Aquifers

- a) The Agency may identify (by narrative description, illustrations, maps or other means) and shall protect, except where exempted under paragraph subsection (b) below, as an underground source of drinking water, all aquifers or parts of aquifers ~~which~~ that meet the definition of an "underground source of drinking water" in 35 Ill. Adm. Code 702.110. Even if an aquifer has not been specifically identified by the Agency, it is an underground source of drinking

(Source: ~~Amended at 18 Ill. Reg. **18 3 5 1'**, effective
DEC 20 1994)~~

- a) The Agency may identify (by narrative description, illustrations, maps or other means) and shall protect, except where exempted under paragraph subsection (b) below, as an underground source of drinking water, all aquifers or parts of aquifers ~~which~~ that meet the definition of an "underground source of drinking water" in 35 Ill. Adm. Code 702.110. Even if an aquifer has not been specifically identified by the Agency, it is an underground source of drinking

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water if it meets the definition in 35 Ill. Adm. Code 702.110. Identification of USDWs shall be by Agency criteria pursuant to 35 Ill. Adm. Code 702.106.

- b) 1) No designation of an exempted aquifer shall be final until approved by the Administrator as part of the State program.
- 2) Subsequent to program approval, the Board may, after notice and opportunity for a public hearing, identify additional exempted aquifers.
- 3) Identification of exempted aquifers shall be by rulemaking pursuant to 35 Ill. Adm. Code 702.105.

c) For Class III wells, an applicant for a permit which that necessitates an aquifer exemption under 35 Ill. Adm. Code 730.104(b)(1) shall furnish the data necessary to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing. Information contained in the mining plan for the proposed project, such as map and general description of the mining zone, general information on the mineralogy and geochemistry of the mining zone, analysis of the amenability of the mining zone to the proposed mining method and a timetable of planned development of the mining zone shall be considered by the Board in addition to the information required by Section 704.161(c). Approval of the exempted aquifer shall be by rulemaking pursuant to 35 Ill. Adm. Code 702.105. Rules shall not become final until approved by the Administrator as a program revision.

*BOARD NOTE: See Derived from 40 CFR 144.7 (1993).

(Source: Amended DEC 20 1994^{at} 18 Ill. Reg. **18351**, effective

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.141 Existing Class I and III Wells

- a) Injection into existing Class I and III wells is authorized by rule if the owner or operator:
 - 1) Injected into the existing well within one year after March 3, 1984, or
 - 2) Inventories the well pursuant to the requirements of Section 704.148.
 - 3) The owner or operator of a well that is authorized by rule pursuant to this Section shall rework, operate, maintain, convert, plug, abandon, or inject into the well in compliance with applicable regulations.
 - b) Class III wells in existing fields or projects. Notwithstanding the prohibition in Section 704.121, this section authorizes Class III wells or projects in existing fields or projects to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation provided the owner or operator maintains compliance with all

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applicable requirements.
*BOARD NOTE: See Derived from 40 CFR 144.21(b)(d) (1993), as renumbered and amended at 58 Fed. Reg. 63895 (Dec. 3, 1993).†

(Source: Amended DEC 20 1994^{at} 18 Ill. Reg. **18351**, effective

Section 704.142 Existing-Class-IV--not--into--USBW---(Renumbered)
Prohibitions on Injection into Wells Authorized by Rule

An owner or operator of a well authorized by rule pursuant to this Subpart is prohibited from injecting into the well:

- a) Upon the effective date of an applicable permit denial;
- b) Upon a failure to submit an application in a timely manner pursuant to Section 704.147 or 704.161;
- c) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148;
- d) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149;
- e) Upon a failure to provide alternative financial assurance pursuant to Section 704.150(d)(6);
- f) Forty-eight hours after receipt of a determination by the Agency pursuant to Section 704.150(f)(3) that the well lacks mechanical integrity, unless the Agency orders immediate cessation pursuant to Section 34 of the Act or as ordered by a court pursuant to Section 43 of the Act;
- g) Upon receipt of notification from the Agency that the transferee has not demonstrated financial assurance pursuant to Section 704.150(d);
- h) For Class I and Class III wells: after March 3, 1989, unless a timely and complete permit application was pending the Agency's decision;
- i) This subsection corresponds with 40 CFR 144.21(c)(9), a provision related to Class II injection wells, which are regulated by the Illinois Department of Mines and Minerals, and not by the Board. This statement maintains structural consistency with U.S. EPA rules.

*BOARD NOTE: Derived from 40 CFR 144.21(c), as added at 58 Fed. Reg. 63895 (Dec. 3, 1993).

(Source: Former Section 704.142 renumbered to Section 702.145, new Section added at 18 Ill. Reg. **18351**, effective DEC 20 1994^{at})

Section 704.143 Expiration of Authorization

The authorization provided in Section 704.141 shall expire upon the earliest of the following:

- a) Upon the effective date of the a permit or permit deniability-if-a-permit application-has-been-filed-in-a-timely-manner-as-specified-in issued

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pursuant to any of section Sections 704.147, 704.161(b)(1), 704.162,
or 704.163; or

tBOARD-NERB--Derived-from-40-CFR-144-21(a)(1)-(997))-
If--a--permit--application--has--not--been--fitted--in-a-timely-manner-as

specified-in-section-704.161(b)After plugging or abandonment in
accordance with an approved plugging and abandonment plan pursuant to
Section 704.150(C) and 35 Ill. Adm. Code 730.110, and upon submission
of a plugging and abandonment report pursuant to Section 704.150(k);
or
tBOARD-NERB--Derived-from-40-CFR-144-21(a)(2)-(998))-
If--the--person--authorized--by--rule--under--Section 704.147-fails-to-comply
with Section 704.144 or 704.148 or Upon conversion in compliance with
Section 704.150(j).

d) February-27-1986-unless-at-that-time-is-a-pending-BE-permit

application-for-the-injection-Previously-authorized-by-ruler-

tBOARD NOTE: Derived from 40 CFR 142.37(f)(1)-(998) 144.21(b)
(998/1993), as renumbered and amended at 58 Fed. Reg. 63895 (Dec. 3,
1993).

(Source: Amended at DEC 20 1994)

Section 704.144 Requirements

Any person authorized by rule under Section 704.141 shall comply with the applicable requirements of Section 704.148 and 35 Ill. Adm. Code 730.

tBOARD NOTE: SeeDerived from 40 CFR 144.21(c) (1993), as amended and
renumbered at 58 Fed. Reg. 63895 (Dec. 3, 1993).†

(Source: Amended at DEC 20 1994)

Section 704.145 Existing Class IV Wells

a) Injection into Class IV wells as defined in Section 704.106(d)(1) is not authorized. The owner or operator of any such well must comply with Sections 704.124 and 704.203.

b) Closure.

1) Prior to abandoning any Class IV well, the owner or operator shall plug or otherwise close the well in a manner acceptable to the Agency.

2) Within--60--days--after--the--effective--date--of--this--Section By

September 27, 1986, the owner and operator of any Class IV well shall was to have submit submitted to the Agency a plan for plugging or otherwise closing and abandoning the well.

3) The owner or operator of a Class IV well shall notify the Agency of intent to abandon the well at least 30 days prior to

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tBOARD NOTE: SeeDerived from 40 CFR 144.23 (1993).†

b) If--a--permit--application--has--not--been--fitted--in-a-timely-manner-as

specified-in-section-704.161(b)After plugging or abandonment in
accordance with an approved plugging and abandonment plan pursuant to
Section 704.150(C) and 35 Ill. Adm. Code 730.110, and upon submission
of a plugging and abandonment report pursuant to Section 704.150(k);
or
tBOARD-NERB--Derived-from-40-CFR-144-21(a)(2)-(998))-

If--the--person--authorized--by--rule--under--Section 704.147-fails-to-comply

with Section 704.144 or 704.148 or Upon conversion in compliance with
Section 704.150(j).

d) February-27-1986-unless-at-that-time-is-a-pending-BE-permit

application-for-the-injection-Previously-authorized-by-ruler-

tBOARD NOTE: Derived from 40 CFR 142.37(f)(1)-(998) 144.21(b)
(998/1993), as renumbered and amended at 58 Fed. Reg. 63895 (Dec. 3,
1993).

(Source: Amended at DEC 20 1994)

Section 704.146 Class V Wells

a) Injection into Class V wells is authorized by rule until requirements under future regulations become applicable.

b) Duration of well authorization by rule. Well authorization under this Section expires upon the effective date of a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.

c) Prohibition of injection. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:

1) Upon the effective date of an applicable permit denial;

2) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;

3) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148; or

4) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149.

tBOARD NOTE: SeeDerived from 40 CFR 142.37(f)(1)-(998) 144.24 (1993), as amended at 58 Fed. Reg. 63896 (Dec. 3, 1993).†

(Source: Amended at DEC 20 1994)

Section 704.147 Requiring a Permit

a) The Agency may require the owner or operator of any Class I, Class III, IV or Class V injection well that is authorized by a rule under this Subpart to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

1) The injection well is not in compliance with any requirement of this Subpart;

2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

3) The protection of USW's requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting or operation, which are not contained in this Subpart.

4) When the injection well is a Class I or Class III well, in accordance with a schedule established by the Agency pursuant to Section 704.161(b).

b) The Agency may require the owner or operator of any well that is

tBOARD NOTE: SeeDerived from 40 CFR 144.23 (1993).†

(Source: Amended at DEC 20 1994)

Section 704.148

a) The Agency may require the owner or operator of any Class I, Class III, IV or Class V injection well that is authorized by a rule under this Subpart to apply for and obtain an individual or area UIC permit. Cases where individual or area UIC permits may be required include:

1) The injection well is not in compliance with any requirement of this Subpart;

2) The injection well is not or no longer is within the category of wells and types of well operations authorized in the rule;

3) The protection of USW's requires that the injection operation be regulated by requirements, such as for corrective action, monitoring and reporting or operation, which are not contained in this Subpart.

4) When the injection well is a Class I or Class III well, in accordance with a schedule established by the Agency pursuant to Section 704.161(b).

b) The Agency may require the owner or operator of any well that is

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authorized by a rule under this Subpart to apply for an individual or area UIC permit under this subsection only if the owner or operator has been notified in writing that a permit application is required. The ~~injection activities are no longer~~ owner or operator of a well that is authorized by rule is prohibited from injecting into the well:

- 1) upon the effective date of a permit denial, or
- 2) upon the failure of the owner or operator to submit an application in a timely manner as specified in the notice.

3) The notice shall include:

- A) a brief statement of the reasons for this decision;
- B) an application form;
- C) a statement setting a time for the owner or operator to file the application; and
- D) a statement of the consequences of denial or issuance of the permit, or failure to submit an application, as described in this subsection.

c) An owner or operator of a well that is authorized by a rule may request to be excluded from the coverage of the rule by applying for an individual or area UIC permit. The owner or operator shall submit an application under Section 704.161 with reasons supporting the request, to the Agency. The Agency may grant any such request.

BOARD NOTE: See Derived from 40 CFR 144.25, as amended at 58 Fed. Reg. 63898 (Dec. 3, 1993).†

(Source: Amended at 18 Ill. Reg. 18351, effective DEC 20 1994)

Section 704.148 Inventory Requirements

With owner or operator of an injection well that is authorized by rule under this Subpart shall submit inventory information to the Agency. Notwithstanding any other provision of this section, any authorization granted under this section shall terminate if the person so authorized-by-rule such an owner or operator is prohibited from injecting into the well upon facts failure to submit inventory information for the well to the Agency within the time specified in subsection (d) or (e) below.

a) Contents. As part of the inventory, the owner or operator shall submit at least the following information:

- 1) Facility name and location;
- 2) Name and address of legal contact;
- 3) Ownership of facility;
- 4) Nature and type of injection wells; and
- 5) Operating status of injection wells.

b) BOARD NOTE: This information is requested on national form "Inventory of Injection Wells," OMB No. 158-R0170†. The owner or operator of a well listed in subsection (b)(1) below shall provide the information listed in subsection (b)(2) below.

1) This Section applies to the following wells:

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- A) Class IV wells;
- B) The following Class V wells:
 - i) Sand or other backfill wells, 35 Ill. Adm. Code 730.105(e)(8);
 - ii) Radioactive waste disposal wells, 35 Ill. Adm. Code 730.105(e)(11);
 - iii) Geothermal energy recovery wells, 35 Ill. Adm. Code 730.105(e)(12);
 - iv) Brine return flow wells, 35 Ill. Adm. Code 730.105(e)(14);
 - v) Wells used in experimental technologies, 35 Ill. Adm. Code 730.105(e)(15);
 - vi) Municipal and industrial disposal wells other than Class I; and
 - vii) Any other Class V wells at the discretion of the Agency.
- 2) The owner or operator of a well listed in subsection (b)(1) above shall provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).
 - A) Location of each well or project given by Township, Range, Section, and Quarter-Section;
 - B) Date of completion of each well;
 - C) Identification and depth of the formation(s) into which each well is injecting;
 - D) Total depth of each well;
 - E) Casing and cementing record, tubing size, and depth of packer;
 - F) Nature of the injected fluids;
 - G) Average and maximum injection pressure at the wellhead;
 - H) Average and maximum injection rate; and
 - I) Date of the last mechanical integrity tests, if any.
- c) This subsection corresponds with 40 CFR 144.26(c), a provision relating to U.S. EPA notification to facilities upon authorization of the state's program. This statement maintains structural consistency with U.S. EPA rules.
- d) Deadlines. Except as provided in subsection (e) below:
 - 1) The owner or operator of an injection well well must shall submit inventory information no later than one-year after the authorization by rule March 3, 1985. The Agency need not require inventory information from any facility with RCRA interim status under 35 Ill. Adm. Code 703.
 - 2) The information need not be submitted if a complete application is submitted within this-timeline year of the effective date of the U.S. EPA UIC program. The owner or operator of a Class IV well shall submit inventory information from any facility with RCRA facility-with-interim-status-under-35-fif-Adm-Code-703-is-not required no later than 60 days after the effective date of the

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER A: GENERAL PROVISIONS

PART 700

OUTLINE OF WASTE DISPOSAL REGULATIONS

SUBPART A: GENERAL

Section	Definitions (Repealed)
700.201	Act (Repealed)
700.210	Chapter 7 Operating Requirements (Repealed)
700.215	Chapter 7 Permits (Repealed)
700.220	Chapter 9 Operating Requirements (Repealed)
700.225	Chapter 9 Permits (Repealed)
700.230	Conflict (Repealed)
700.235	HWM (Repealed)
700.240	Operating Requirements (Repealed)
700.245	Permit Requirements (Repealed)
700.250	RCRA Operating Requirements (Repealed)
700.255	RCRA Permit (Repealed)
700.260	RCRA Rules (Repealed)
700.265	Subject To (Repealed)

SUBPART E: OWNERS AND OPERATORS OF HWM SITES

Section	Permits (Repealed)
700.401	Operating Requirements (Repealed)
700.402	Manifests (Repealed)
700.403	Small Quantity Exemptions (Repealed)
700.404	

SUBPART F: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Section	Hazardous (Infectious) Hospital Waste (Repealed)
700.501	Operating Requirements (Repealed)
700.502	Manifests (Repealed)
700.503	Small Quantity Exemptions (Repealed)
700.504	

SUBPART B: DEFINITIONS

Section	Definitions (Repealed)
700.201	Act (Repealed)
700.205	Chapter 7 Operating Requirements (Repealed)
700.210	Chapter 7 Permits (Repealed)
700.215	Chapter 9 Operating Requirements (Repealed)
700.220	Chapter 9 Permits (Repealed)
700.225	Conflict (Repealed)
700.230	HWM (Repealed)
700.235	Operating Requirements (Repealed)
700.240	Permit Requirements (Repealed)
700.245	RCRA Operating Requirements (Repealed)
700.250	RCRA Permit (Repealed)
700.255	RCRA Rules (Repealed)
700.260	Subject To (Repealed)
700.265	

SUBPART C: GENERATORS

Section	Permits (Repealed)
700.301	Operating Requirements (Repealed)
700.302	Manifests (Repealed)
700.303	Small Quantity Exemptions (Repealed)
700.304	

SUBPART D: TRANSPORTERS

SUBPART A: GENERAL

Section 700.101 Applicability (Repealed)

This Part sets forth rules which determine which provisions are applicable to various persons and facilities.

(Source: Repealed DEC 20 1994 at 18 Ill. Reg. **18 244**, effective DEC 20 1994.)

Section 700.102 Other Regulations (Repealed)

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The Board received several suggestions from JCAR staff and the Secretary of State for corrections to the text of the amendments as proposed. The Board tabulates the suggested corrections and our resulting actions as follows (sources of suggested corrections are indicated with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; * denotes a Section not included in proposed rule):

Section (Source of Revision)	Board Action
700.table of contents(2)	Reformatted underlining and strikout in listing for Section 700.105
700.table of contents(4)	Added "700." to listing for Section 700.Appendix A
700.authority note(1)	Replaced citation to the Illinois Revised Statutes with a citation to the Illinois Compiled Statutes
700.106(a)(2) & (a)(3)(1,4)	Deleted word "be" (alternative suggested wording suggested for the provision was not used)
700.605(4)	Added Section source note
700.Appendix A(4)	Corrected Section heading format
12)	In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(b)(2), 704.144(b), 704.150(E)(2)(B), and 704.194.
13)	Will all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
14)	Are there any amendments pending on this Part? No

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15) Summary and Purpose of Rulemaking:

A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Red. Reg. 63890 (Dec. 3, 1993). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704, and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the citations to the federal sources in the Board notes for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulations; we substituted a date certain where all these references appeared in the open parts and amended Section 700.106 itself to directly cite the appropriate dates.

In particular, the amendments to Part 700 repeal a number of duplicative and outdated provisions, in order to avoid possible future confusion and to simplify the regulations. The amendment of Section 700.106 is intended to incorporate the actual effective dates of the Illinois programs, since these dates are now available. The only reason the Board has retained this Section is because some hazardous waste provisions in Parts 720 through 725 may still reference it for those dates.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610

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The full text of the Adopted Amendments begins on the next page:

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exclusively to enhanced recovery and hydrocarbon storage wells (Class II wells). Those wells are regulated by the Illinois Department of Mines and Minerals, rather than by the Board and the Agency. This statement maintains structural consistency with U.S. EPA rules.

e) Operating requirements.

- 1) No person shall cause or allow injection between the outermost casing protecting underground sources of drinking water and the well bore.

2) Maintenance of Mechanical Integrity.

- A) The owner or operator of a Class I or Class III injection well authorized by rule under this Subpart shall establish and maintain mechanical integrity, as defined in 35 Ill. Adm. Code 730.106, until:
 - i) The well is properly plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to subsection (c) above and 35 Ill. Adm. Code 730.110 and a plugging and abandonment report is submitted pursuant to subsection (k) below; or
 - ii) The well is converted in compliance with subsection (l) below.

- B) The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations shall be made.

3) Cessation upon Lack of Mechanical Integrity.

- A) When the Agency determines that a Class I (non-hazardous) or Class III injection well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, the Agency shall give written notice of its determination to the owner or operator.
 - Unless the Agency requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Agency's determination.
 - The Agency may allow plugging of the well in accordance with the requirements of 35 Ill. Adm. Code 730.110, or require the owner or operator to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USWS caused by the lack of mechanical integrity.
 - The owner or operator may resume injection upon receipt of written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.
 - The owner or operator may allow the the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection if the owner or operator has made a satisfactory demonstration that there is no movement of fluid into or between USDWs.
 - For Class I wells, unless an alternative to a packer has been approved under 35 Ill. Adm. Code 730.112(c), the owner or

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operator shall fill the annulus between the tubing and the long string of casing with a fluid approved by the Agency and maintain a pressure, also approved by the Agency, on the annulus. The owner or operator of a Class I well completed with tubing and packer shall fill the annulus between tubing and casing with a non-corrosive fluid and maintain a positive pressure on the annulus. For other Class I wells, the owner or operator shall insure that the alternative completion method will reliably provide a comparable level of protection of underground sources of drinking water.

3) Injection pressure for Class I and III wells:

- A) Except during stimulation, the owner or operator shall not exceed an injection pressure at the wellhead which that shall be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the injection zone; and
 - B) The owner or operator shall not inject at a pressure which that will initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.
- 4) Monitoring Requirements. The owner or operator shall perform the monitoring as described in this subsection. Monitoring of the nature of the injected fluids must comply with applicable analytical methods cited in Table I of 40 CFR 136.3 (495199) or in Appendix III of 40 CFR 261 (49851992), or with other methods which that have been approved by the Agency.
- 1) The owner or operator of a Class I well share:
 - A) Analyze the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics;
 - B) Install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing;
 - C) Install and use monitoring wells within the area of review, if required by the Agency, to monitor any migration of fluids into and pressure in the underground sources of drinking water. The type, number, and location of the wells, the parameters to be measured; and the frequency of monitoring must be approved by the Agency.
 - 2) This subsection corresponds with 40 CFR 144.28(g)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Mines and Minerals, and not by the Board. This statement maintains structural consistency with U.S. EPA rules.
- 3) The owner or operator of the Class III injection well shall:
 - A) For Class III wells—the owner or operator provide to the Agency a qualitative analysis and ranges in concentrations of all constituents of injected

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- Fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete.
- i) The owner or operator may request confidentiality pursuant to Section Sections 7 and 7.1 of the Act, and 35 Ill. Admin. Code 120.
 - ii) If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations which that shall not be exceeded.
 - iii) In such a case the owner or operator shall retain records of the undisclosed concentration and provide them upon request to the Agency as part of any enforcement investigation; and
 - B) Monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;
 - C) Monitor the fluid level in the injection zone semi-monthly, where appropriate; and
 - D) All Class II wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates to the Agency that manifold monitoring is comparable to individual well monitoring.
- g) Reporting requirements.** The owner or operator shall submit reports to the Agency as follows:
- 1) For Class I wells, quarterly reports on:
 - A) The physical, chemical, and other relevant characteristics of the injection fluids;
 - B) Monthly average, maximum and minimum values for injection pressure, flow rate and volume, and annular pressure;
 - C) The results from groundwater monitoring wells prescribed in subsection (f)(1)(C);
 - D) The results of any test of the injection well conducted by the owner or operator during the reported quarter if required by the Agency; and
 - E) Any well work over performed during the reported quarter.
 - 2) This subsection corresponds with 40 CFR 144.28(h)(2), a provision related to Class II injection wells, which are regulated by the Illinois Department of Mines and Minerals, and not by the Board. This statement maintains structural consistency with U.S. EPA rules.
- For Class III wells:
- A) Quarterly reporting on all monitoring, as required in subsections (f)(2)(A), (f)(2)(B), and (f)(2)(C);

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- B) Quarterly reporting of the results of any periodic tests required by the Agency that are performed during the reported quarter;
- C) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.
- h) Retention of records.** The owner or operator shall retain records of all monitoring information, including the following:
- 1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement or report. This period may be extended by request of the Agency at any time; and
 - 2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188. The owner or operator shall retain the records after the three year retention period unless it delivers the records to the Agency or obtains written approval from the Agency to discard the records.
- i) Notice of abandonment.** The owner or operator shall notify the Agency at least 45 days before conversion or abandonment of the well.
- j) Plugging and abandonment report.** Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:
- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency; or
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on any form supplied by the Agency, specifying the different procedures used.
- k) Change of ownership.**
- 1) The owner or operator shall notify the Agency of a transfer of ownership or operational control of the well within at least 30 days in advance of the proposed transfer.
 - 2) The notice shall include a written agreement between the transferor and the transferee containing a specific date when the financial responsibility demonstration of subsection (d) above will be met by the transferee.
- 3) The transferee is authorized to inject unless it receives notification from the Agency that the transferee has not demonstrated financial responsibility pursuant to subsection (d) above.
- l) Requirements of for Class I Hazardous Waste Wells.** The owner or operator of any Class I well injecting hazardous waste shall comply with Section 704.203. In addition the owner or operator shall

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properly dispose of, or decontaminate by removing all hazardous waste residues, all injection well equipment.
BOARD NOTE: See Derived from 40 CFR 144.28 (1993), as amended at 58 Fed. Reg. 62897 (Dec. 3, 1993).†

(Source: Amended at 18 Ill. Reg. 18351, effective
DEC 20 1994)

SUBPART D: APPLICATION FOR PERMIT

Section 704.161 Application for Permit; Authorization by Permit

a) Permit application. Except--for--owners--or--operators Unless an underground injection well is authorized by rule under 704. Subpart C, all underground injections activities, including construction of an injection well, are prohibited unless until the owner or operator is authorized by permit. Persons An owner or operator of a well currently authorized by rule must still apply for a permit as specified-in--subsection--fb† under this Section unless the well authorization was for a Class--V well--under--Section 704.146 the life of the well or project. Rules--Authorizing--Well--Injections Authorization has by rule for a well or project for which a permit application has been submitted shall--tape terminates for participation in the well injection or project upon the effective date of the permit or--permit--denial--for--that--well--injection--or--project. Procedures for application, issuance, and administration of emergency permits are found exclusively in Section 704.163. A RCRA permit applying the standards of 35 Ill. Adm. Code 724. Subpart XC will constitute a UIC permit for hazardous waste injection wells for which the technical standards in 35 Ill. Adm. Code 724.730 are not generally appropriate.

BOARD NOTE: See Derived from 40 CFR 144.31(a) (#9801993), as amended at 5258 Fed. Reg. 4695638977 (December 2, 1993).
Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Agency as follows:

- 1) For existing wells:
 - A) Within 180 days after the Agency notifies such person that an application is required; or
 - B) If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, by August 1, 1994; or
 - C) Except as otherwise provided in subsections (b)(1)(A) and (b)(1)(B), by February 1 March 3, 1986.
- 2) For new injection wells, except new wells in projects authorized under Section 704.141(b), or covered by an existing area permit under Section 704.162(c), a reasonable time before construction is expected to begin.

BOARD NOTE: See Derived from 40 CFR 144.31(c) (#9801993), as amended at 58 Fed. Reg. 62898 (December 3, 1993).
Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Agency as follows:

- 1) For existing wells:
 - A) Within 180 days after the Agency notifies such person that an application is required; or
 - B) If the waste being injected into the well is a hazardous waste accompanied by a manifest or delivery document, by August 1, 1994; or
 - C) Except as otherwise provided in subsections (b)(1)(A) and (b)(1)(B), by February 1 March 3, 1986.
- 2) For new injection wells, except new wells in projects authorized under Section 704.141(b), or covered by an existing area permit under Section 704.162(c), a reasonable time before construction is expected to begin.

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amended at 58 Fed. Reg. 63898 (Dec. 3, 1993).
Contents of UIC application. The applicant shall demonstrate that the underground injection will not endanger drinking water sources. The form and content of the UIC permit application may be prescribed by the Agency including the materials required by 35 Ill. Adm. Code 702.123.

1) The following information is required for each active Class I hazardous waste injection well at a facility seeking a UIC permit:

- A) Dates well was operated.
- B) Specification of all wastes which have been injected into the well, if available.
- 2) The owner or operator of any facility containing one or more active hazardous waste injection wells must submit all available information pertaining to any release of hazardous waste or constituents from any active hazardous waste injection well at the facility.
- 3) The owner or operator of any facility containing one or more active Class I hazardous waste injection wells must conduct such preliminary site investigations as are necessary to determine whether a release is occurring, has occurred, or is likely to have occurred.

BOARD NOTE: See Derived from 40 CFR 144.31(g) (#9801993). In addition to the materials required by 35 Ill. Adm. Code 702.123.†
1) The applicant shall identify and submit on a list with the permit application the names and addresses for all owners of record of land within one-quarter mile (401 meters) of the facility boundary. This requirement may be waived by the Agency where the site is located in a populous area such that the requirement would be impracticable.

2) The applicant shall submit a plugging and abandonment plan that meets the requirements of 35 Ill. Adm. Code 730.110.

BOARD NOTE: Derived from 40 CFR 144.31(e)(9) and (e)(10) (#9801993, as amended at 58 Fed. Reg. 63898 (December 3, 1993)).

(Source: Amended at 18351, effective DEC 20 1994)

Section 704.162 Area Permits

- a) The Agency may issue a permit on an area basis, rather than for each well individually, provided that the permit is for injection wells:
 - 1) Described and identified by location in permit application(s), if they are existing wells, except that the Agency may accept a single description of wells with substantially the same characteristics; and
 - 2) Within the same well field, facility site, reservoir, project, or similar unit in the same State; and

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- 3) Operated by a single owner or operator; and
 4) Used to inject other than hazardous waste.
- b) Area Permits shall specify:
- 1) The area within which underground injections are authorized, and
 - 2) The requirements for construction, monitoring, reporting, operation and abandonment for all wells authorized by the permit.
- c) The area permit may authorize the permittee to construct and operate, convert, or plug and abandon new injection wells within the permit area provided:
- 1) The permittee notifies the Agency at such time as the permit requires;
 - 2) The additional well satisfies the criteria in Paragraph subsection (a) above and meets the requirements specified in the permit under Paragraph subsection (b) above; and
 - 3) The cumulative effects of drilling and operation of additional injection wells are considered by the Agency during evaluation of the area permit application and are acceptable to the Agency.
- d) If the Agency determines that any well constructed pursuant to Paragraph subsection (c) above does not satisfy any of the requirements of Paragraph subsections (c)(1) and (c)(2) above, the Agency may modify the permit under 35 Ill. Adm. Code 702.183 through 702.185, or seek revocation under 35 Ill. Adm. Code 702.186, or take enforcement action. If the Agency determines that cumulative effects are unacceptable, the permit may be modified under 35 Ill. Adm. Code 702.183 through 702.185.

(Source: ~~Dec 20 1994~~ 18 Ill. Reg. 18 3 51, effective(Source: ~~Dec 20 1994~~ 18 Ill. Reg. 18 3 51, effective

Section 704.164 Signatories to Permit Applications

~~For purposes of this Admin-Code-702.126(a)(1)-a-responsible-corporate officer-means-a-principal-executive-officer--of--at-least-the-owner-of vice-president.~~

(Source: See 35 Ill. Adm. Code 702.126(a)(1)-a-responsible-corporate officer-means-a-principal-executive-officer--of--at-least-the-owner-of vice-president.

(Source: Amended at 18 Ill. Reg. 18 3 51, effective

(Source: ~~DEC 20 1994~~ 18 Ill. Reg. 18 3 51, effective

SUBPART E: PERMIT CONDITIONS

Section 704.181 Additional Conditions

The following conditions in addition to those set forth in 35 Ill. Adm. Code 702.140 through 702.152 apply to all UIC permits and shall be incorporated into all permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

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a) In addition to 35 Ill. Adm. Code 702.141 (duty to comply): the permittee need not comply with the provisions of this permit to the extent and for the duration such noncompliance is authorized in a temporary emergency permit under Section 704.163.

b) In addition to 35 Ill. Adm. Code 702.150(b) (monitoring and records): the permittee shall retain records concerning the nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under Section 704.188 or under 35 Ill. Adm. Code 730. Subpart G, as appropriate. The owner or operator shall continue to retain the records after the three year retention period unless the owner or operator delivers the records to the Agency or obtains written approval from the Agency to discard the records.

BOARD NOTE: ~~SeeDerived from 40 CFR 144.51(j)(2)(ii) (19981993)7-2~~

c) In addition to 35 Ill. Adm. Code 702.152(a) (notice of planned changes): except for all new wells authorized by an area permit under Section 704.162(c), a new injection well may not commence injection until construction is complete, and

- 1) The permittee has submitted notice of completion of construction to the Agency; and
- 2) Inspection Review

A) The Agency has inspected or otherwise reviewed the new injection well and finds it is in compliance with the conditions of the permit or

B) The permittee has not received notice from the Agency of its intent to inspect or otherwise review the new injection well within 13 days of the date of the notice in subsection (c)(1), in which case prior inspection or review is waived, and the permittee may commence injection. The Agency shall include in its notice a reasonable time period in which it will inspect the well.

BOARD NOTE: ~~SeeDerived from 40 CFR 144.51(m) (19981993).~~

d) Reporting Noncompliance

- 1) Twenty-four hour reporting. The permittee shall report any noncompliance which may endanger health or the environment, including:
- A) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW.
- B) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs.

2) Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates,

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- and times, and, if the noncompliance has not been corrected, the anticipated time is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance of the noncompliance.
- BOARD NOTE: See Derived from 40 CFR 144.51(1)(6) (1980-1993).
- e) The permittee shall notify the Agency at such times as the permit requires before conversion or abandonment of the well or, in the case of area permits, before closure of the project.
- BOARD NOTE: See Derived from 40 CFR 144.51(n) (1980-1993).
- f) A Class I or Class III permit shall include, and a Class V permit may include, conditions that meet the applicable requirements of 35 Ill. Adm. Code 730.110 to insure that plugging and abandonment of the well will not allow the movement of fluids into or between USDWs. Where the plan meets the requirements of 35 Ill. Adm. Code 730.110, the Agency shall incorporate it into the permit as a permit condition. Where the Agency's review of an application indicates that the permittee's plan is inadequate, the Agency may require the applicant to revise the plan, prescribe conditions meeting the requirements of this subsection, or deny the permit. For purposes of this subsection, temporary or intermittent cessation of injection operations is not abandonment.
- BOARD NOTE: Derived from 40 CFR 144.51(o), as added at 58 Fed. Reg. 63898 (Dec. 3, 1993).
- g) Plugging and abandonment report. Within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Agency. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:
- 1) A statement that the well was plugged in accordance with the plan previously submitted to the Agency;
 - 2) Where actual plugging differed from the plan previously submitted, an updated version of the plan on the form supplied by the Agency specifying the differences.
- BOARD NOTE: See Derived from 40 CFR 144.51(o) (1980-1993), as renumbered at 58 Fed. Reg. 63898 (Dec. 3, 1993).

- h) **Mechanical integrity demonstration--or--operator-to-comply-with-a-schedule--describing when-mechanical-integrity-demonstrations-must-be-made:**
- BOARD NOTE: See -40 CFR-144-51(o)-1980-
- i) Duty to establish and maintain mechanical integrity.
- 1) The owner or operator of a Class I or Class III well permitted under this Part and 35 Ill. Adm. Code 702 shall establish prior to commencing injection or on a schedule determined by the Agency, and thereafter mechanical integrity, as defined in 35 Ill. Adm. Code 730.108. The Agency may require by permit condition that the owner or operator comply with a schedule describing when mechanical integrity demonstrations must be made.

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- 2) When the Agency determines that a Class I or Class III well lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108, it shall give written notice of its determination to the owner or operator. Unless the Agency requires immediate cessation, the owner or operator shall cease injection into the well within 48 hours of receipt of the Agency determination. The Agency may allow plugging of the well pursuant to the requirements of 35 Ill. Adm. Code 730.110 or require the permittee to perform such additional construction, operation, monitoring, reporting, and corrective action as is necessary to prevent the movement of fluid into or between USDWs caused by the lack of mechanical integrity. The owner or operator may resume injection upon written notification from the Agency that the owner or operator has demonstrated mechanical integrity pursuant to 35 Ill. Adm. Code 730.108.
- 3) The Agency may allow the owner or operator of a well that lacks mechanical integrity pursuant to 35 Ill. Adm. Code 730.108(a)(1) to continue or resume injection, if the owner or operator has made a satisfactory showing that there is no movement of fluid into or between USDWs.
- BOARD NOTE: Derived from 40 CFR 144.51(q), as added at 58 Fed. Reg. 63898 (Dec. 3, 1993).

- (Source: Amended at 18 Ill. Reg. 18351, effective DEC 20 1994)
- Section 704.182 Establishing UIC Permit Conditions**
- In addition to the conditions established under 35 Ill. Adm. Code 702.160-(a) and Section 704.181, each UIC permit shall include conditions meeting the requirements of the following sections, when applicable.
- BOARD NOTE: See Derived from 40 CFR 144-42 144.52(a) preamble (1993).†
- (Source: Amended at 18 Ill. Reg. 18351, effective DEC 20 1994)

Section 704.183 Construction Requirements

- Existing wells shall achieve compliance with construction requirements as set forth in 35 Ill. Adm. Code 730 according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. Except as authorized by an area permit, no construction may commence until a permit has been issued containing construction requirements (see See Section 704.121). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Agency as minor modifications. (See 35 Ill. Adm. Code 702.187.) No such changes may be physically incorporated into construction of the well prior to approval of the

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modification by the Agency.

^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(1) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.184 Corrective Action

UIC Permits shall require by condition corrective action as set forth in ^{see}Section 704.193 and 35 Ill. Adm. Code 730.107.
^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(2) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.185 Operation Requirements

The permit shall establish any maximum injection volumes and/or pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the 35 Ill. Adm. Code 730 operating requirements. ^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(3) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.186 Hazardous Waste Requirements

UIC Permits shall require by condition requirements for wells managing hazardous waste, as set forth in 704. Subpart F.
^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(4) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.189 Financial Responsibility

- a) The permit for any well which does not inject hazardous waste shall require the permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Agency until:
 - 1) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to Section 704.181(f) and 35 Ill. Adm. Code 730.110, and submitted a plugging and abandonment report pursuant to Section 704.181(g);
 - 2) The well has been converted in compliance with the requirements

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of 704.181(e); or

3) The transferor of a permit has received notice from the Agency that the owner or operator receiving transfer of the permit (the new permittee) has demonstrated financial responsibility for the well.

- b) The permittee must show evidence of financial responsibility to the Agency by the submission of a surety bond or other adequate assurance, such as financial statements or other materials acceptable to the Agency. The Agency may on a periodic basis require the holder of a life-time permit to submit an estimate of the resources needed to plug and abandon the well revised to reflect inflation of such costs, and a revised demonstration of financial responsibility if necessary. Where appropriate the Agency may require a performance bond with the following:

- † A corporate-surety-such-as-an-insurance-or-bonding-company-or individual-streeter-such-as-officers--or-stock-holders-of-a corporation-requesting-a-permit;-or
- † Any--other--invent--security--including--real--estate--personal property--marketable--securities--or--certificates-of-deposit;
- c) The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of 704. Subpart G.
^tBOARD NOTE: SeeDerived from 40 CFR 144.52(a)(7) (1993), as amended at 58 Fed. Reg. 63898 (Dec. 3, 1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.190 Mechanical Integrity

A Permit for any Class I or Class III well or injection project which that lacks mechanical integrity shall include, and or for any Class V well may include, a condition prohibiting injection operations until the permittee shows to the satisfaction of the Agency under 35 Ill. Adm. Code 730.108 that the well has mechanical integrity.
^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(8) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

Section 704.191 Additional Conditions

The Agency shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water.
^tBOARD NOTE: SeeDerived from 40 CFR 122.42(t) 144.52(a)(9) (1993).†

(Source: Amended at DEC 20 1994 18 Ill. Reg. **18 3 5 1**, effective

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- b) Identification Act (42 U.S.C. 6901 et seq.)¹². The owner or operator shall comply with the requirements of 35 Ill. Adm. Code 724.111 and 40 CFR 264.11 (‡9851992).
- c) Manifest system. The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 35 Ill. Adm. Code 724.171 and 40 CFR 264.71 (§9851992).
- d) Manifest discrepancies. The owner or operator shall comply with 35 Ill. Adm. Code 724.172 and 40 CFR 264.72 (‡9851992).
- e) Operating record. The owner or operator shall comply with 35 Ill. Adm. Code 724.173(a), (b)(1), and (b)(2) and 40 CFR 264.73(a), (b)(1) and (b)(2) (‡9851992), as amended at 57 Fed. Reg. 3487 (Jan. 29, 1992).
- f) Annual report. The owner or operator shall comply with 35 Ill. Adm. Code 724.175 and 40 CFR 264.75 (‡9851992).
- g) Unmanifested waste report. The owner or operator shall comply with 35 Ill. Adm. Code 724.176 and 40 CFR 264.76 (‡9851992).
- h) Personnel training. The owner or operator shall comply with the applicable personnel training requirements of 35 Ill. Adm. Code 724.116 and 40 CFR 264.16 (‡9851992).

Certification of closure. When abandonment is completed, the owner or operator must submit to the Agency certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in Section 704.188.

*BOARD NOTE: See Derived from 40 CFR 144.14(c) (1993).†

(Source: Amended at 18 Ill. Reg. **18 3 51**, effective **DEC 20 1994**)

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

Section 704.213 Financial Assurance for Plugging and Abandonment

An owner or operator of each facility must establish "financial assurance" for the plugging and abandonment of each existing and new Class I hazardous waste injection well. The owner or operator must choose from one of the following financial assurance mechanisms:

- a) Trust fund (Section 704.214);
- b) Surety bond guaranteeing payment (Section 704.215);
- c) Surety bond guaranteeing performance (Section 704.217);
- d) Letter of credit (Section 704.217);
- e) Insurance (Section 704.218); or
- f) Financial test and corporate guarantee (Section 704.219);

*BOARD NOTE: See Derived from 40 CFR 144.63 Preamble (1993).†

(Source: Amended at 18 Ill. Reg. **18 3 51**, effective **DEC 20 1994**)

POLLUTION CONTROL BOARD

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SUBPART H: ISSUED PERMITS

Section 704.261 Modification

When the Agency receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (See 35 Ill. Adm. Code 702.140 through 702.152), receives a request for modification or reissuance, or conducts a review of the permit file), it may determine whether or not one or more of the causes listed in Sections 704.262 and 704.263 for modification or reissuance exist. If cause exists, the Agency may modify or reissue the permit accordingly, subject to the limitations of Sect. Section 704.263 and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If cause does not exist under Sections 704.261 through 704.264, the Agency shall not modify or reissue the permit if the permit modification satisfies the criteria in Sect. Section 704.264 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in 35 Ill. Adm. Code 705 followed.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.183. Derived from 40 CFR 144.39 Preamble (1993).

(Source: Amended at 18 Ill. Reg. **18 3 51**, effective **DEC 20 1994**)

Section 704.262 Causes for Modification

- a) The following are causes for modification of permits. For Class I hazardous waste injection wells or Class III wells, the following may be causes for reissuance as well as modification. For all other wells the following may be cause for reissuance as well as modification when the permittee requests or agrees:
- 1) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which that justify the application of permit conditions that are different or absent in the existing permit.
- 2) Information. Permits other than for UIC Class III wells may be modified during their terms for this cause only if the information was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and would have justified the application of different permit conditions at the time of issuance. For UIC area permits this cause shall include any information indicating that cumulative effects on the environment are unacceptable.

- 3) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through promulgation of new or amended standards or regulations, or by judicial decision after the permit was issued. Permits other than for UIC Class I hazardous wells or Class III

POLLUTION CONTROL BOARD

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wells may be modified during their terms for this cause only as follows:

A) The Agency may modify the permit when standards or regulations on which the permit was based have been changed by statute or amended standards or regulations.

B) The Permittee may request modification when:

i) The permit condition requested to be modified was based on a promulgated 35 Ill. Adm. Code 730 regulation; and

ii) The Board has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; and

iii) A permittee requests modification in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days after Illinois Register notice of the rulemaking on which the request is based.

C) For judicial decisions, a court of competent jurisdiction has remanded and stayed Board promulgated regulations, if the remand and stay concern that portion of the regulations on which the Permit conditions was based or if a request is filed by the permittee in accordance with 35 Ill. Adm. Code 705.128 within ninety (90) days of judicial remand.

4) Compliance schedules. The Agency determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

b) The following are causes to modify or, alternatively, reissue a permit:

1) The Agency has received notification (as required in the permit, see Section 702.152(c)) of a proposed transfer of the permit. A permit also may be modified to reflect a transfer after the effective date of an automatic transfer (Section 702.182(b)), but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

2) A determination that the waste being injected is a hazardous waste as defined in 35 Ill. Adm. Code 721.103 either because the definition has been revised, or because a previous determination has been changed.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.184. Derived from 40 CFR 144.397-as-amended-at-53-Pedi-Reg-201477 July-26-1988 (1993).

(Source: Amended DEC 20 1994)
18351, effective

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modification unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance or unless required under the Environmental Protection Act. However, certain modifications may require site location suitability approval pursuant to Section 39.2 of the Environmental Protection Act.

BOARD NOTE: Formerly codified as 35 Ill. Adm. Code 702.185. Derived from 40 CFR 144.391(c) (19881993).

(Source: Amended DEC 20 1994)
18351, effective

POLLUTION CONTROL BOARD

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- 1) Heading of the Part: Underground Injection Control Operating Requirements
- 2) Code Citation: 35 Ill. Adm. Code 730
- 3) Section Numbers:

Adopted Action:
Amended
Amended
Amended
Repealed
- 4) Statutory Authority: Sections 13, 22.4 and 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].
- 5) Effective Date of Rulemaking: December 20, 1994
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this rulemaking contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: Order adopted November 3, 1994.
- 9) Notice of Proposal Published in Illinois Register:
September 9, 1994, at 18 Ill. Reg. 13712
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the following question, the Board modified several passages of the amendments in response to these suggestions.
- 11) Difference(s) between proposal and final version:
The Board received several suggestions from JCAR staff and the Secretary of State for corrections to the text of the amendments as proposed. The Board tabulates the suggested corrections and our resulting actions as follows (sources of suggested corrections are indicate with (1) indicating JCAR, (2) indicating the Secretary of State, (3) indicating the Agency, and (4) indicating Board-initiated; * denotes a Section not included in proposed rule):

Section (Source of Revision) _____ Board Action _____

730.table of contents (2)

Removed the underlining from the word "the" in the listing for Section 730.114; added "(Repealed)" to the listing for Section 730.152

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 730.authority note (1) Deleted ending parentheses
 - In incorporating the suggestions into the text of the adopted amendments, the Board occasionally used alternatives to the JCAR and Agency suggestions. This occurred in the Parts 700 and 705 authority notes (in not retaining the Illinois Revised Statutes citation) and in Sections 700.106(a)(2) and (a)(3), 703.232(c)(8), 703.283(b)(2), 704.144(b), 704.150(f)(2)(B), and 704.194.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR. Nevertheless, JCAR staff did review the proposal and informally submit a number of suggestions. As indicated in the answer to the preceding question, the Board modified several passages of the amendments in response to these suggestions.
 - 13) Will this rulemaking replace an emergency rule currently in effect? No.
 - 14) Are there any amendments pending on this Part? No.
 - 15) Summary and Purpose of Rulemaking:
A more detailed description is contained in the Board's opinion of November 3, 1994 in R94-5, which opinion is available from the address below. Section 13(c) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.
- This rulemaking updates the Board's UIC rules to correspond with amendments adopted by U.S. EPA which appeared in the Federal Register during the period July 1 through December 31, 1994. During this period, U.S. EPA amended its regulations one time, at 58 Fed. Reg. 63890 (Dec. 3, 1994). These amendments clarified current requirements for wells authorized by rule, the rules for financial responsibility obligations of parties to a well transfer, the criteria for demonstrating mechanical integrity through annulus pressure monitoring records, and the authority of the UIC program director to require information on any well. The Board also used this opportunity to make a number of clarifying and corrective amendments throughout Parts 700, 702, 703, 704, and 705. The major portion of these amendments involved modifying structure in a few locations to enhance the linear correlation with the corresponding federal regulations and to correct the federal sources in the Board notes for each Section. The Board also attempted to remove all references to Section 700.106 for the effective date of regulations; we substituted a date certain where all these references appeared in the open parts and amended Section 700.106 itself to directly cite the appropriate dates.

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In Particular, the amendments to Part 730 include the federal mechanical integrity testing and authorization by rule amendments. The amendments to this part include corrective and clarifying amendments of the types described above, plus the reformatting of equations in Section 730.106.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Michael J. McCambridge

Address: Attorney

Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610

Telephone: 312-814-5924

The full text of the Adopted Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART - 30
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section	730.101	Applicability, Scope and Effective Date
	730.102	Laws Authorizing Regulations
	730.103	Definitions
	730.104	Criteria for Exempted Aquifers
	730.105	Classification of Injection Wells
	730.106	Area of Review
	730.107	Corrective Action
	730.108	Mechanical Integrity
	730.109	Criteria for Establishing Permitting Priorities
	730.110	Plugging and Abandoning Class I and III Wells

SUBPART B: CRITERIA AND STANDARDS APPLICABLE
TO CLASS I NON-HAZARDOUS WELLS

Section	730.111	Applicability
	730.112	Construction Requirements
	730.113	Operating, Monitoring and Reporting Requirements
	730.114	Information to be Considered by the Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE
TO CLASS II WELLS

Section	730.121	Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals
		SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section	730.131	Applicability
	730.132	Construction Requirements
	730.133	Operating, Monitoring and Reporting Requirements
	730.134	Information to be Considered by the Agency

SUBPART E: CRITERIA AND STANDARDS APPLICABLE

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TO CLASS V INJECTION WELLS

Section 730.151 Applicability and Definitions
 730.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section 730.161 Applicability and Definitions
 730.162 Minimum Criteria for Siting
 730.163 Area of Review
 730.164 Corrective Action for Wells in the Area of Review
 730.165 Construction Requirements
 730.166 Logging, Sampling, and Testing Prior to New Well Operation
 730.167 Operating Requirements
 730.168 Testing and Monitoring Requirements
 730.169 Reporting Requirements
 730.170 Information to be Evaluated by the Director
 730.171 Closure
 730.172 Post-Closure Care
 730.173 Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4, and 27].

SOURCE: Adopted in R8-32, 47 PCB 93, at 6 Ill. Reg. 124/9, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended at R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391, effective DEC 20 1994.

SUBPART A: GENERAL

Section 730.106 Area of Review

The area of review for each injection well or each field, project or area in Illinois shall be determined according to either paragraph subsection (a) or (b) below. The Agency may solicit input from the owners or operators of injection wells within Illinois as to which method is most appropriate for each geographic area or field.

a) Zone of endangering influence.

- 1) The zone of endangering influence shall be:

- A) In the case of an application for a well permit under 35 Ill. Adm. Code 704.161, that area the radius of which is the lateral distance in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water; or

In the case of an application for an area permit under 35 Ill. Adm. Code 704.162, the project area plus a circumscribing area the width of which is the lateral distance from the perimeter of the project area, in which the pressures in the injection zone may cause the migration of the injection and/or formation fluid into an underground source of drinking water.

- B) Computation of the zone of endangering influence may be based upon the parameters listed below and should be calculated for an injection time period equal to the expected life of the injection well or pattern. The following modified Phi_{is} This equation illustrates one form which that the mathematical model may take.

GRAPHIC MATERIAL

See printed copy of IAC for detail.

$$\begin{aligned} r &= \text{Radius of endangering influence from injection well (length)} \\ K_k &= \text{Hydraulic conductivity of the injection zone (length/time)} \\ H &= \text{Thickness of the injection zone (length)} \\ S &= \text{Storage coefficient (dimensionless)} \\ Q &= \text{Injection rate (volume/time)} \\ B_{h[bo]} &= \text{Observed original hydrostatic head of injection zone (length) measured from the base of the lowermost underground source of drinking water} \\ w_{h[w]} &= \text{Hydrostatic head of underground source of drinking water (length) measured from the base of the lowest underground source of drinking water} \\ g_{s[p]G[b]} &= \text{Specific gravity of fluid in the injection zone (dimensionless)} \\ p_i &= \frac{37+2}{3.14159} (\text{dimensionless}) \end{aligned}$$

- 3) The above equation is based on the following assumptions:
 - A) The injection zone is homogeneous and isotropic;
 - B) The injection zone has infinite area extent;

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- C) The injection well penetrates the entire thickness of the injection zone;
 - D) The well diameter is infinitesimal compared to "r" when injection time is longer than a few minutes; and
 - E) The emplacement of fluid into the injection zone creates instantaneous increase in pressure.
- b) Fixed Radius.
- 1) In the case of an application for a well permit under 35 Ill. Adm. Code 704.161 a fixed radius around the well of not less than 402 meters (1/4 mile) may be used.
 - 2) In the case of an application for an area permit under 35 Ill. Adm. Code 704.162 a fixed width of not less than 402 meters (1/4 mile) for the circumscribing area may be used.
- 3) In determining the fixed radius, the following factors shall be taken into consideration: the chemistry of injected and formation fluids; the hydrogeology; the population and groundwater use and dependence; and historical practices in the area.
- c) If the area of review is determined by a mathematical model pursuant to paragraph subsection (a) above the permissible radius is the result of such calculation even if it is less than 402 meters (1/4 mile).

(Source: Amended at DEC 20 1994)

Section 730.108 Mechanical Integrity

- a) The applicant or permittee must demonstrate mechanical integrity when required by other Sections. An injection well has mechanical integrity if:
- 1) There is no significant leak in the casing, tubing, or packer; and
 - 2) There is no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection bore.
- b) One of the following tests may be used to demonstrate the absence of significant leaks under subsection (a)(1) above:
- 1) Monitoring--of--annulus--pressure Following an initial pressure test monitoring of the tubing-casing annulus pressure with sufficient frequency to be representative, as determined by the Agency, while maintaining an annulus pressure different from atmospheric pressure measured at the surface; or
 - 2) Pressure test with liquid or gas.
- c) One of the following methods may be used to determine the absence of significant fluid movement under subsection (a)(2) above:
- 1) The results of a temperature or noise log; or
 - 2) For Class III wells where the nature of the casing precludes the use of the logging techniques prescribed at subsection (c)(1) above, cementsing records demonstrating the presence of adequate

POLLUTION CONTROL BOARD

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- C) Cement to prevent migration; or
- 3) For Class III wells where the Agency elects to rely on cementing records to demonstrate the absence of significant fluid movement, the monitoring program prescribed by 35 Ill. Adm. Code 730.113(b) shall be designed to verify the absence of significant fluid movement.
- d) The Agency may allow the use of a test to demonstrate mechanical integrity other than those listed in subsections (b) and (c) above. To obtain approval, the owner or operator shall submit a written request to the Agency which sets forth the proposed test and all technical data supporting its use. The Agency shall approve the request if the test will reliably demonstrate the mechanical integrity of wells for which its use is proposed.
- e) In conducting and evaluating the tests enumerated in this Section or others to be allowed by the Agency, the owner or operator and the Agency shall apply methods and standards generally accepted in the industry. When the owner or operator reports the results of mechanical integrity tests to the Agency, it shall include a description of the test and the method used. In making its evaluation, the Agency shall review monitoring and other test data submitted since the previous evaluation.
- E) The Agency may require additional or alternative tests if the results presented by the owner or operator under subsection (e) above are not satisfactory to the Agency to demonstrate that there is no movement of fluid into or between USDWs resulting from the injection activity.

(Source: Amended at DEC 20 1994)

18391, effective
TO CLASS I NON-HAZARDOUS WELLS

Section 730.114 Information to be Considered by the Agency

This section sets forth the information which that must be considered by the Agency in authorizing Class I wells. For an existing or converted new Class I well the Agency may rely on the existing permit file for those items of information listed below which are current and accurate in the file. For a newly drilled Class I well, the Agency shall require the submission of all the information listed below. For both existing and new Class I wells certain maps, cross-sections, tabulations of wells within the area of review and other data may be included in the application by reference provided they are current, readily available to the Agency (for example, in the Agency's files) and sufficiently identified to be retrieved.

a) Prior to the issuance of a permit for an existing Class I well to operate or the construction or conversion of a new Class I well the Agency shall consider the following:

- 1) Information required in 35 Ill. Adm. Code 702.120 through 702.124 and 35 Ill. Adm. Code 704.161(c);

POLLUTION CONTROL BOARD

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- 2) A map showing the injection well for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number, or name, and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, water wells, and other pertinent surface features including residences and roads. The map should also show faults, if known or suspected. Only information of public record is required to be included on this map;
- 3) A tabulation of data on all wells within the area of review which that penetrate into the proposed injection zone. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Agency may require;
- 4) Maps and cross sections indicating the general vertical and lateral limits of all underground sources of drinking water within the area of review, their position relative to the injection formation, and the direction of water movement, where known, in each underground source of drinking water which that may be affected by the proposed injection;
- 5) Maps and cross sections detailing the geologic structure of the local area;
- 6) Generalized maps and cross sections illustrating the regional geologic setting;
- 7) Proposed operating data;
- A) Average and maximum daily rate and volume of the fluid to be injected;
- B) Average and maximum injection pressure; and
- C) Source and an analysis of the chemical, physical, radiological, and biological characteristics of injection fluids;
- 8) Proposed formation testing program to obtain an analysis of the chemical, physical, and radiological characteristics of and other information on the receiving formation;
- 9) Proposed stimulation program;
- 10) Proposed injection procedure;
- 11) Schematic or other appropriate drawings of the surface and subsurface construction details of the system;
- 12) Contingency plans to cope with all shut-ins or well failures so as to prevent migration of fluids into any underground source of drinking water;
- 13) Plans (including maps), for meeting the monitoring requirements in Sec. Section 730.113(b);
- 14) For wells within the area of review which that penetrate the injection zone but are not properly completed or plugged, the corrective action proposed to be taken under 35 Ill. Adm. Code 704.193;
- 15) Construction procedures including a cementing and casing program, logging procedures, deviation checks, and a drilling, testing,

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- and coring program; and
- 16) A certificate that the applicant has assured, through a performance bond or other appropriate means, the resources necessary to close plug, or abandon the well as required by 35 Ill. Adm. Code 704.189.
- b) Prior to granting approval for the operation of a Class I well the Agency shall consider the following information:
- 1) All available logging and testing program data on the well;
 - 2) A demonstration of mechanical integrity pursuant to See Section 730.108;
 - 3) The anticipated maximum pressure and flow rate at which that the permittee will operate;
 - 4) The results of the formation testing program;
 - 5) The actual injection procedure;
 - 6) The compatibility of injected waste with fluids in the injection zone and minerals in both the injection zone and the containing zone; and
 - 7) The status of corrective action on defective wells in the area of review.
- c) Prior to granting approval for the plugging and abandonment of a Class I well the Agency shall consider the following information:
- 1) The type and number of plugs to be used;
 - 2) The placement of each plug including the elevation of the top and bottom;
 - 3) The type and grade and quantity of cement to be used;
 - 4) The method for placement of the plugs; and
 - 5) The procedure to be used to meet the requirements of See Section 730.110(c).

(Source: Amended at DEC 20 1994) **18391**, effective 18391

SUBPART F: CRITERIA AND STANDARDS APPLICABLE TO CLASS V INJECTION WELLS

Section 730.152 Inventory and Assessment (Repealed)

~~The-owner-or-operator-of-any-Class-V-well-shall-within-one-year-of-the-date-of-approval-by-US EPA-of-the-fifths-USE-program-for-Class-V-wells-and-when-notified-the-Agency-of-the-existence-of-any-well-meeting-the-definitions-of-Class-V-under-this-contrary-and-submit-the-inventory-information-required-in-35-Ill-Adm-Code-704.193(a).~~

(Source: Repealed at DEC 20 1994) **18391**, effective 18391

POLLUTION CONTROL BOARD

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: MOBILE SOURCES
- 2) Code Citation: 35 Ill. Adm. Code 240
- 3) Section Numbers: Action:
- | | | | |
|----------|----------|---------|-------------|
| 240.101, | 240.102, | 240.104 | Amended |
| 240.105, | 240.106, | 240.107 | Amended |
| 240.124, | 240.125 | 240.125 | Amended |
| 240.151, | 240.152, | 240.153 | New Section |
| 240.161, | 240.162, | 240.163 | New Section |
| 240.164, | 240.171 | 240.171 | New Section |
240. Table A, 240. Table B
- 4) Date Notice of Proposed Amendments was published in the Register: August 5, 1994, 18 Ill. Reg. 12021
- 5) Date the JCAR Statement of Objection was published in the Register: December 2, 1994, 18 Ill. Reg. 17285
- 6) Summary of the action taken by the agency:

RESPONSE TO JCAR OBJECTION

The Board proposed amendments to the Illinois vehicle emission testing program for First Notice publication in the Illinois Register on July 21, 1994. We adopted a Second Notice opinion and order on October 20, 1994. The Joint Committee on Administrative Rules (JCAR) voted an objection to the proposed amendments pursuant to Section 5-110 of the Administrative Procedure Act (APA) [5 ILCS 100/5-110] on November 15, 1994. The substance of that objection was as follows:

At its meeting on November 15, 1994, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the stringent standards will cause economic hardship on the affected public and because [the Board's] action to adopt these standards is premature. The Federal Vehicle Emissions Standards program may be altered before its anticipated full implementation in late 1995.

The Board respectfully declines to modify the amendments in response to the JCAR objection pursuant to Section 5-110(c)(3) of the APA. As the basis for this refusal, we cite statutory mandates:

1. Legislative mandates require us to adopt these amendments to the Illinois vehicle emission inspection and maintenance (I/M) program within short timeframes.
2. The Board's regulations do not affect the costs of compliance

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NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- with the enhanced vehicle I/M program. Rather, implementation of the legislation required to meet federal mandates results in those costs.
3. There is no federal action to limit the scope of the mandate that Illinois pursues a vehicle I/M program at this time.

Deadlines for Board Adoption of Vehicle I/M Regulations

The Illinois enhanced vehicle I/M program arose through a legislative mandate prompted by the Federal Clean Air Act Amendments of 1990. That mandate required the Illinois Environmental Protection Agency (Agency) to propose vehicle emissions standards. Under "fast track" rulemaking, that deadline would be January 3, 1995.

Sections 182(b) and (c) of the federal Clean Air Act (CAA) (42 U.S.C. Sections 7511(a)(b) & (c)), as amended in 1990, require the use of I/M programs in areas not meeting the national ambient air quality standards (NAAQS) for ozone or carbon monoxide. Illinois adopted the Vehicle Emissions Inspection Law of 1995 (VEIL) [625 ILCS 5/13B], P.A. 88-533, effective January 18, 1994. That statute requires the Agency to implement an enhanced vehicle I/M program and meet U.S. EPA's requirements for such a program. P.A. 88-533 mandates enhanced I/M testing for the Metro-East area and certain portions of the Chicago nonattainment area.

Section 28.5 of the Environmental Protection Act (Act) requires that the Board adopt regulations to implement the Federal Clean Air Act Amendments on a "fast-track" basis. Section 28.5 of the Act contains very tight time-frames for Board actions; these would have required the Board to adopt the enhanced I/M amendments by January, 1995.

Increased Costs

The Board's regulations are not the origin of increased costs of implementing the enhanced vehicle I/M program. Rather, implementation of the VEIL legislation, which passed in response to federal mandates, results in those costs.

The enhanced vehicle I/M program will entail increased costs of compliance. The Agency estimated the enhanced vehicle I/M program will cost the regulated community about \$68,234,758 in increased vehicle maintenance in calendar year 1997. Nothing in the Agency-proposed regulations in R94-19 affects the impact of implementing this program; these costs derive directly from the legislative mandates of VEIL. Nowhere does VEIL authorize the Board to consider these costs. Rather, Section 28.5(m) of the Act limits the Board's discretion to narrow the scope of the Illinois enhanced vehicle I/M program.

Federal Revision of the Clean Air Act

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NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

There is no federal action to limit the scope of Section 182(b) and (c) of the Clean Air Act. We do note, however, that should Congress cause U.S. EPA to revise its regulatory requirements for the enhanced vehicle I/M program, Section 28.5 of the Act will enable the Agency to promptly propose, and the Board to rapidly adopt, amendments to the Program. This would allow the Board and the Agency to implement no more than minimum federal standards in Illinois.

For the foregoing reasons, we must respectfully "refuse to modify" the amendments pursuant to Section 5-110(c)(3) of the APA, in response to the JCAR objection of November 15, 1994. The Board accordingly adopted the proposed amendments under docket number R94-19 on December 1, 1994.

At its meeting on December 13, 1994, the Joint Committee on Administrative Rules objected to the emergency rules of the Illinois Commerce Commission entitled "Fees and Taxes" (92 Ill Adm Code 1205) (18 Ill Reg 16464) because unilateral Commission action by emergency rulemaking to significantly decrease available funding for regulation of certain intrastate motor carriers is contrary to the public interest and confusing to the regulated public in light of the fact that a joint legislative committee established to study this issue has not yet completed an investigation, and the committee has requested that the Commerce Commission maintain the status quo at this time.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

ILLINOIS COMMERCE COMMISSION

Heading of the Part: Fees and Taxes

Code Citation: 92 Ill Adm Code 1205

Date Originally Published in the Illinois Register: 11/4/94

18 Ill Reg 16464

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Private Sewage Disposal Code

Code Citation: 77 Ill Adm Code 905

<u>Section Numbers:</u>	905.10	905.15	905.20	905.30
	905.40	905.50	905.55	905.60
	905.70	905.80	905.90	905.100
	905.110	905.120	905.125	905.130
	905.140	905.150	905.160	905.170
	905.180	905.190	905.200	905.210
APP. A	ILLUS. A	ILLUS. C	ILLUS. D	
ILLUS. E	EX. A	EX. B	EX. C	
ILLUS. F	ILLUS. G	ILLUS. H	EX. A	
EX. B	ILLUS. I	EX. A	EX. B	
EX. C	EX. D	ILLUS. J	EX. A	
EX. B	EX. C	EX. D	ILLUS. K	
EX. A	EX. B	EX. C	EX. D	
EX. E	EX. F	EX. G	EX. H	
ILLUS. L	EX. A	EX. B	EX. C	
ILLUS. M	EX. A	EX. B	ILLUS. N	
EX. A	EX. B	EX. C	EX. D	
EX. E	EX. F	ILLUS. O	EX. A	
EX. B	ILLUS. P	ILLUS. Q	ILLUS. R	
EX. A	EX. B	EX. C	ILLUS. A	
EX. A	EX. B	ILLUS. T	ILLUS. U	
EX. A	EX. B	ILLUS. V	EX. A	
EX. B	EX. C	ILLUS. W	ILLUS. X	
APP. B				

Date Originally Published in the Illinois Register: 12/31/93

17 Ill Reg 22359

At its meeting on December 13, 1994, the Joint Committee on Administrative Rules objected to the above cited rulemaking because portions of this rulemaking may have unnecessary adverse economic effects upon homeowners and businesses involved with residential development. The portions of the rulemaking that present potential problems are: the exclusion of local health officials from being qualified to classify soils; the increase in the rate of dilution of effluent from 1-to-1 to 5-to-1 into a stream, lake, or pond; requiring installation of an effluent receiving trench if the effluent leaves the property; the addition of pump design and use requirements; and the specification that only one surface discharge be allowed per acre being

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

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TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

misunderstood to mean only one system can be installed per acre. The agency's and public commentors' evaluations of the costs associated with these provisions vary significantly. The public interest will not be served by the agency adopting provisions that are more regulatorily burdensome and costly than is necessary to protect the public health and the environment of this State. Before adoption of this rulemaking, the Department of Public Health should be confident that it has selected the least burdensome regulatory option available, and the Committee requests that the agency withdraw this rulemaking to afford itself the opportunity to do so.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed to be a refusal to respond under the Administrative Procedure Act and shall constitute withdrawal of this proposed rulemaking.

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Aid to Families with Dependent Children2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Section 112.824) Date Proposal Published in Illinois Register:

May 13, 1994 (18 Ill. Reg. 7208)

5) Date Adoption Published in Illinois Register:

October 28, 1994 (18 Ill. Reg. 15774)

6) Summary and Purpose of Expedited Correction:

Amendments to Section 112.82 were adopted effective October 17, 1994. The notice of adopted amendments was published on October 28, 1994, at 18 Ill. Reg. 15774. The published text of the adopted amendments failed to include changes that were made in the amendments by the Department as a result of public comments, affecting the wording of subsection (d) of Section 112.82. The intended changes were described in the second notice submitted to the Joint Committee on Administrative Rules and in the notice of adopted amendments. The changes were also included in the text officially filed by the Department with the Administrative Code Division in the Office of the Secretary of State. Only the text published in the Illinois Register failed to include these changes.

These corrections are "omissions" that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register" as provided at 1 Ill. Adm. Code 245.110(a) and Section 5-85(b) of the Illinois Administrative Procedure Act. The failure to include the changes in the language in Section 112.82(d) in the published text created the unintentional discrepancies. The Department requests that the effective date of the expedited correction be October 17, 1994, the date the underlying amendments were adopted.

7) Information and questions regarding this request shall be directed to:

Name: Kenneth E. Mitchell
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Section, indicating differences between the published text and the text actually adopted, follows:

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section	Description of the Assistance Program
112.1	Incorporation by Reference
112.5	

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Caretaker Relative
112.8	Client Cooperation
112.9	Citizenship
112.10	Residence
112.20	Age
112.30	Relationship
112.40	Living Arrangement
112.50	Social Security Numbers
112.52	Assignment of Medical Support Rights
112.54	Lack of Parental Support or Care
112.60	Death of a Parent
112.61	Incapacity of a Parent
112.62	Continued Absence of a Parent
112.63	Unemployment of the Parent
112.64	

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section	Participation Requirements for JOBS
112.70	Individuals Exempt from JOBS
112.71	JOBS Participation/Cooperation Requirements
112.72	Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.73	
112.74	JOBS Initial Assessment Process/Development of an Employability Plan
112.76	JOBS Orientation
112.77	Conciliation and Fair Hearings
112.78	JOBS Components
112.79	JOBS Sanctions
112.80	Good Cause for Failure to Comply with JOBS Participation Requirements
112.81	Responsible Relative Eligibility for JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program
112.84	Work Experience Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project

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SUBPART E: PROJECT ADVANCE

Section 112.86	Project Advance Project Advance Experimental and Control Groups	On	Date of
112.87	Project Advance Requirements of Members and Adjudicated Fathers	Group	
112.88	Project Advance Requirements of Members and Adjudicated Fathers	Group	
112.89	Project Advance Requirements of Members and Adjudicated Fathers	Group	
112.90	Project Advance Sanctions		
112.91	Good Cause for Failure to Comply with Project Advance		
112.93	Individuals Exempt From Project Advance		
112.95	Project Advance Supportive Services		

SUBPART F: EXCHANGE PROGRAM

Section 112.98	Exchange Program
SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY	

Section 112.100	Unearned Income Unearned Income of Stepparent or Parent	On	Date of
112.101	Budgeting Unearned Income		
112.105	Application And/Or Date Of Decision		
112.106	Initial Receipt of Unearned Income		
112.107	Termination of Unearned Income		
112.108	Exempt Unearned Income		
112.110	Education Benefits		
112.115	Incentive Allowances		
112.120	Unearned Income In-Kind		
112.125	Earmarked Income		
112.126	Lump Sum Payments		
112.127	Protected Income		
112.128	Earned Income		
112.130	Earned Income Tax Credit		
112.131	Budgeting Earned Income		
112.132	Termination of Employment		
112.133	Budgeting Earned Income of Applicants Employed On Date of Application And/or Date Of Decision		
112.134	Initial Employment		
112.135	Budgeting Earned Income For Contractual Employees		
112.136	Budgeting Earned Income For Non-Contractual School Employees		
112.137	Transitional Payments (Repealed)		
112.138	Exempt Earned Income		
112.140	Earned Income Exemption		
112.142	Exclusion From Earned Income Exemption		
112.143	Recognized Employment Expenses		

Section 112.144	Income From Work/Study/Training Program	
112.145	Earned Income From Self-Employment	
112.146	Earned Income From Roomer and Boarder	
112.147	Income From Rental Property	
112.148	Payments from the Illinois Department of Children and Family Services	
112.149	Earned Income In-Kind	
112.150	Assets	
112.151	Exempt Assets	
112.152	Asset Disregards	
112.153	Deferral of Consideration of Assets	
112.154	Property Transfers (Repealed)	
112.155	AFDC Income Limit	

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SUBPART H: PAYMENT AMOUNTS

Section 112.250	Grant Levels
112.251	Payment Levels in AFDC Group I Counties
112.252	Payment Levels in AFDC Group II Counties
112.253	Payment Levels in AFDC Group III Counties
112.254	Payment Levels in AFDC Group IV Counties

SUBPART I: OTHER PROVISIONS

Section 112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support Collections
112.332	Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340	New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

Section

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112.350 Child Care
 112.352 Child Care Eligibility
 Qualified Provider
 112.354 Notification of Available Services
 Participant Rights and Responsibilities
 112.356 Additional Service to Secure or Maintain Child Care Arrangements
 112.362 Rates of Payment for Child Care
 112.364 Method of Providing Child Care
 112.366 Non-JOBS Education and Training Program
 112.370

SUBPART K: TRANSITIONAL CHILD CARE

Section 112.400 Transitional Child Care Eligibility
 Duration of Eligibility for Transitional Child Care
 112.404 Loss of Eligibility for Transitional Child Care
 Qualified Child Care Providers
 112.408 Notification of Available Services
 112.410 Participant Rights and Responsibilities
 112.412 Child Care Overpayments and Recoveries
 112.414 Fees for Service for Transitional Child Care
 112.416 Rates of Payment for Transitional Child Care
 112.418

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq.) and 12-13) (305 ILCS 5/Arts. IV and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at

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5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8116, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 8162, effective July 1, 1982; amended at 6 Ill. Reg. 8170, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed and codified at 7 Ill. Reg. 907, effective January 1, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5155; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5107, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21656, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25033, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill.

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Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094 effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827 effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June, 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 111.27.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11938; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 21821, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective September 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 13625, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18701, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20899, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective January 1, 1989; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16006, effective October 6, 1989; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990;

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amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17309, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 day; amended at 18 Ill. Reg. 5909, effective March 31, 1994 amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 21, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 15774, effective November 1, 1994.

- FEDC participants involved in JOBS are eligible to receive supportive service payments to enable them to participate in the program to the extent state resources permit and must receive supportive services required to participate. The Department is not required to provide supportive services unless the Department requires participation. During the initial assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:

 - 1) transportation;
 - 2) child care;
 - 3) job search allowance;
 - 4) initial employment expenses;
 - 5) required books, fees, supplies; and
 - 6) required physical examinations and medical services (for example,

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- c) JOBS participation shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for Transitional Child Care (see Sections 112.400 through 112.418).
- d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 107 et seq. and 20 USC 1087(u), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility and/or need for supportive services under the JOBS program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met by the educational institution applying from such portion of a student's financial assistance to meet those supportive service needs grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the JOBS program. Nor shall such exception apply if the educational institution terminates student grant and loan proceeds and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the JOBS program.
- e)
- 1) Transportation
 - A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS appointments.
 - B) Transportation expenses are to be paid to permit participation in JOBS, including travel necessary to locate appropriate child care.
 - C) Transportation expenses are to be paid to permit the participant to take a state certification examination. Payment for lodging is permitted with Department approval to allow the participant to take a state certification examination. The Department's determination is based on the participant's geographical location, time required for

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- travel, and means of available transportation from the examination site.
- E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.
- F) Transportation payments are made at the most reasonable and most economical rate, whichever is less. If the participant's own automobile is used, 15¢ per mile will be approved, which includes all vehicle-related expenses. The maximum transportation allowance is \$300 per month.
- 2) Child Care
- A) If requested and required (for example, when school is not in session), expenses for child care services shall be provided to enable participants to attend Orientation and Assessment meetings and all other scheduled JOBS appointments.
 - B) Child care expenses are to be paid to permit participation in JOBS (see Section 112.78).
 - C) Maximum rates for child care have been established by the Illinois Department of Children and Family Services (DCFS) (see 89 Ill. Adm. Code 356.5(g)). The Department shall allow payment of an amount not to exceed the maximum rates per child as established by DCFS.
- 3) Job Search Allowance
- A) An allowance of \$20.00 a month is to be paid to individuals participating in the Job Search Component to assist in the payment of job search-related expenses.
 - B) An allowance of \$10.00 a month shall be paid to individuals to assist in the payment of job search-related expenses if job search activities are part of another JOBS component except, if the individual is scheduled at 80 hours in the Community Work Experience component or Unemployed Parent Work Experience Component and is making five employer contacts each month, the allowance for job search-related expenses is \$5.00 a month.
- 4) Mandatory Fees
- Mandatory fees, including application, registration, activities, laboratory graduation and testing fees, are provided to Participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300.00 per 12 month period shall be provided. No payments are allowed for tuition.
- 5) Books and Supplies
- Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300.00 per 12 month period can be provided for expenses not covered by financial aid benefits.

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

- 6) Required Physical Examinations and Medical Services
Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.
- 7) Initial Employment Expenses
A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all initial employment expenses provided shall not exceed \$400 in a 12 consecutive month period. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.
B) These expenses include:
 i) special clothing (maximum \$200);
 ii) required tools which are not provided by the employer (maximum \$200);
 iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in an AFDC/AFDC-U case);
 iv) auto license plate fees;
 v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
 vi) transportation expenses at the most reasonable and most economical rate, whichever is less. If the participant's own car is used, 15¢ per mile shall be authorized. A maximum payment of \$3.00 per day shall be approved;
 vii) child care;
 viii) physical examinations prior to employment if required

DEPARTMENT OF PUBLIC AID

REQUEST FOR EXPEDITED CORRECTION

- ix) other required items related to a specific job (maximum \$300);
 x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses shall not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.
- E) These allowances are exempt from consideration in determining the AFDC grant amount.
- G) Ancillary Supportive Services
 1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed and the service is available in the community at no cost to the Department, to enable them to participate in JOBS:
 A) vocational rehabilitation;
 B) emergency intervention services;
 C) substance abuse or domestic violence programs;
 D) life skills training activities;
 E) family planning/sex education;
 F) parenting skills; and
 G) family counseling.
- 2) Child care and transportation at the Department's established rates may be provided to enable JOBS participants to receive ancillary supportive services if they also participate in a component activity.
 3) Regarding emergency intervention services, JOBS staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's employability plan is made.
- (Source: Expedited correction at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT ON AGING
REGULATORY AGENDA

- 1) Heading of the Part: Community Care Program
 2) Code Citation: 89 Ill. Adm. Code 240
 3) A description of the rule(s):
 Pursuant to a consent decree, the Department will be proposing a new rule citing the instances when cancelling an appeal of a Community Care Program client may occur. IDoA will be developing the rule with related policy and procedures for its implementation.

- 4) Statutory Authority: 20 ILCS 105/4.01 (4), (9), (11) and (12);
 105/4.02; 105/4.03; and 105/5.02.
 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
 The Department does not anticipate a public hearing on this rulemaking.
 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Amendments, for publication in the Illinois Register:
 January or February of 1995
 7) Information concerning this regulatory agenda shall be directed to:
 Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, Illinois 62701-1789
 (217) 782-4842
 8) Will this amendment affect small business, small municipalities or not for profit corporations?
 No, this rulemaking will affect the Department only.
 9) Other pertinent information concerning this rule:
 None

DEPARTMENT OF CORRECTIONS
REGULATORY AGENDA

- 1) Heading of the Part: Authorized Absences
 2) Code Citation: 20 Ill. Adm. Code 530
 3) A description of the rule(s): This rulemaking will update standards for independent release time and leave time for committed persons assigned to community correctional centers in the Community Services Division and may include updates of furlough and day release procedures for the Adult and Juvenile Divisions.
 4) Statutory Authority: 730 ILCS 5/3-2-2
 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995
 7) Information concerning this regulatory agenda shall be directed to:
 Name: David C. Watkins, Deputy Director
 Illinois Department of Corrections
 Address: 1301 Concoria Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 Telephone:(217) 522-2666, extension 6001
 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
 9) Other pertinent information concerning this rule (amendment, repealer):
 None.

DEPARTMENT OF CORRECTIONS

REGULATORY AGENDA

- 1) Heading of the Part: Chaplaincy
- 2) Code Citation: 20 Ill. Adm. Code 425
- 3) A description of the rule(s): This rulemaking will more fully address chaplaincy services and provide standards for review and approval of religious activities for committed persons.
- 4) Statutory Authority: 730 ILCS 5/3-2-2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer): For publication in the Illinois Register: February 1, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: David C. Watkins, Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): Changes to this rule are necessary for compliance with the Religious Freedom Restoration Act of 1993 (PL 103-121, 107 Stat 1488).

DEPARTMENT OF CORRECTIONS

REGULATORY AGENDA

- 1) Heading of the Part: Health Care
- 2) Code Citation: 20 Ill. Adm. Code 415
- 3) A description of the rule(s): This rulemaking will address requests by committed persons for organ transplants.
- 4) Statutory Authority: 730 ILCS 5/3-2-2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995.
- 7) Information concerning this regulatory agenda shall be directed to:

Name: David C. Watkins, Deputy Director
Address: Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF CORRECTIONS

REGULATORY AGENDA

- 1) Heading of the Part: Personal Property
- 2) Code Citation: 20 Ill. Adm. Code 535
- 3) A description of the rule(s): This rulemaking will update standards for personal property of committed persons in keeping with updated technology subject to safety and security concerns.
- 4) Statutory Authority: 730 ILCS 5/3-2-2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Name: David C. Watkins, Deputy Director
 Illinois Department of Corrections
 Address: 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 Telephone: (217) 522-2666, extension 6001

- 1) Heading of the Part: Rights and Privileges
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3) A description of the rule(s): This rulemaking will address religious headgear of visitors to correctional facilities and may include updating of mail, telephone, and publication rules and rules regarding marriage of committed persons.
- 4) Statutory Authority: 730 ILCS 5/3-2-2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995
- 7) Information concerning this regulatory agenda shall be directed to:
- Name: David C. Watkins, Deputy Director
 Illinois Department of Corrections
 Address: 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 Telephone: (217) 522-2666, extension 6001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
 municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF CORRECTIONS

REGULATORY AGENDA

- 1) Heading of the Part: Personal Property
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3) A description of the rule(s): This rulemaking will update standards for personal property of committed persons in keeping with updated technology subject to safety and security concerns.
- 4) Statutory Authority: 730 ILCS 5/3-2-2
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995
- 7) Information concerning this regulatory agenda shall be directed to:

Name: David C. Watkins, Deputy Director
 Illinois Department of Corrections
 Address: 1301 Concordia Court
 P. O. Box 19277
 Springfield, Illinois 62794-9277
 Telephone: (217) 522-2666, extension 6001

- 1) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
 municipalities or not for profit corporations? No.
- 2) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF CORRECTIONS

REGULATORY AGENDA

- 1) Heading of the Part: Work Release Programs
 - 2) Code Citation: 20 Ill. Adm. Code 455
 - 3) A description of the rule(s): This rulemaking addresses eligibility requirements for placement in a work release center and includes requirements of the program.
 - 4) Statutory Authority: 730 ILCS 5/3-2-2 and 5/3-13-1 through 5/3-13-6
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: The Department will accept written public comments at any time in accordance with 2 Ill. Adm. Code 850 or during the First Notice Period per instructions which will be indicated on the Notice.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: On or before June 30, 1995
 - 7) Information concerning this regulatory agenda shall be directed to:
- Name: David C. Watkins, Deputy Director
Illinois Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: (217) 522-2666, extension 6001
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No
 - 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF HUMAN RIGHTS

REGULATORY AGENDA

- 1) Heading of the Part: Discrimination Involving Credit
 - 2) Code Citation: 38 Ill. Adm. Code 800.
 - 3) A description of the rule(s): The Department intends to amend its existing regulations in order to clarify the regulations, to update statutory citations and to delete provisions duplicative of the Act.
 - 4) Statutory Authority: Implementing Article 4 of the Illinois Human Rights Act [775 ILCS 5/Art 4] and authorized by Section 7-101(A) of the Illinois Human Rights Act [5 ILCS 7-101(A)].
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: May 1, 1995.
 - 7) Information concerning the regulatory agenda shall be directed to:
- Name: David T. Rothal
Illinois Department of Human Rights
Address: 100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579.
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? All financial institutions will be subject to the rules, but the rules will not impose any additional obligations upon small businesses.
 - 9) Other pertinent information concerning this rule (amendment, repealer): Not applicable.

DEPARTMENT OF HUMAN RIGHTS

REGULATORY AGENDA

- 1) Heading of the Part: Joint Rules of the Department of Human Rights and the Human Rights Commission: Handicap Discrimination in Employment.
- 2) Code Citation: 56 Ill. Adm. Code 2500.
- 3) A description of the rule(s): The Department intends to amend its existing regulations in order to clarify the regulations, to update statutory citations and to delete provisions duplicative of the Act.
- 4) Statutory Authority: Implementing Sections 2-102(A) and authorized by Sections 7-101(A) and 8-102(E) of the Illinois Human Rights Act [775 ILCS 2-102(A), 7-101(A) and 8-102(E)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 15, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:

- Name: David T. Rothal
Address: Illinois Department of Human Rights
 100 West Randolph Street
 Suite 10-100
 Chicago, IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579.
- Name: David T. Rothal
Address: Illinois Department of Human Rights
 100 West Randolph Street
 Suite 10-100
 Chicago, IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579.
- Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? All employers are subject to the Illinois Human Right Act and its regulations on handicap.
- Other pertinent information concerning this rule (amendment, repealer): Not applicable.

DEPARTMENT OF HUMAN RIGHTS
REGULATORY AGENDA

- 1) Heading of the Part: Procedures Applicable to All Agencies
- 2) Code Citation: 44 Ill. Adm. Code 750.
- 3) A description of the rule(s): The Department intends to amend its existing regulations in order to clarify the regulations concerning the obligations of public contractors and eligible bidders, to update statutory citations and to add provisions regulating discrimination by public contractors and eligible bidders on the basis of handicap.
- 4) Statutory Authority: Implementing Sections 2-105(A), 7-101(A) and 7-105(A) and authorized by Sections 2-105(A), 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 2-105(A), 7-101(A) and 7-105(A)].
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: None scheduled at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: June 15, 1995.
- 7) Information concerning the regulatory agenda shall be directed to:
- Name: David T. Rothal
Address: Illinois Department of Human Rights
 100 West Randolph Street
 Suite 10-100
 Chicago, IL 60601
Telephone: 312-814-6242
T.D.D.: 312-263-1579.
- Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? Yes, all public contractors and eligible bidders must provide documentation to the Department in accordance with the Department's regulations.
- Other pertinent information concerning this rule (amendment, repealer): Not applicable.
- Other pertinent information concerning this rule (amendment, repealer): Not applicable.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Drug Asset Forfeiture Procedure Act
- 2) Code Citation: 20 Ill. Adm. Code 1225
- 3) A description of the rule(s): The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.
- 4) Statutory Authority: 20 ILCS 2605/55a; 720 ILCS 550/12; and 720 ILCS 5/10/505
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
- 7) Information concerning the regulatory agenda shall be directed to:

Name: Mr. James W. Redlich
Address: Chief Legal Counsel
Illinois State Police
201 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
Telephone: (217) 782-7658

- 1) Heading of the Part: Exempt Conversation Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1296
- 3) A description of the rules: The rule (a new Part) will establish regulations related to use of interception and recording devices, retention of recordings, and related reports.
- 4) Statutory Authority: 20 ILCS 2605/55a and Public Act 88-0677
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
- 7) Information concerning the regulatory agenda shall be directed to:
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Exempt Conversation Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1296
- 3) A description of the rules: The rule (a new Part) will establish regulations related to use of interception and recording devices, retention of recordings, and related reports.
- 4) Statutory Authority: 20 ILCS 2605/55a and Public Act 88-0677
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
- 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
- 7) Information concerning the regulatory agenda shall be directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
201 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer):
None.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Firearm Owner's Identification Card Act
 - 2) Code Citation: 20 Ill. Adm. Code 1230
 - 3) A description of the rule(s): The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
 - 4) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
 - 7) Information concerning the regulatory agenda shall be directed to:
- Name: Mr. James W. Redlich
 Address: Chief Legal Counsel
 Illinois State Police
 210 Armory Building
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 Telephone: (217) 782-7658
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Firearm Transfer Inquiry Program
 - 2) Code Citation: 20 Ill. Adm. Code 1235
 - 3) A description of the rule(s): The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
 - 4) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
 - 7) Information concerning the regulatory agenda shall be directed to:
- Name: Mr. James W. Redlich
 Address: Chief Legal Counsel
 Illinois State Police
 201 Armory Building
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 Telephone: (217) 728-7658
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
- 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Individual's Right to Access and Review Criminal History Record Information
 - 2) Code Citation: 20 Ill. Adm. Code 1210
 - 3) A description of the rule(s): The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.
 - 4) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
 - 7) Information concerning the regulatory agenda shall be directed to:
- Name: Mr. James W. Redlich
 Address: Chief Legal Counsel
 Illinois State Police
 201 Armory Building
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 Telephone: (217) 782-7658
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
 - 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF STATE POLICE

REGULATORY AGENDA

- 1) Heading of the Part: Law Enforcement Agencies Data System (LEADS)
 - 2) Code Citation: 20 Ill. Adm. Code 1240
 - 3) A description of the rule(s): The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.
 - 4) Statutory Authority: 20 ILCS 2605/55a
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: No schedule has been established at this time.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register: No date has been determined at this time.
 - 7) Information concerning the regulatory agenda shall be directed to:
- Name: Mr. James W. Redlich
 Address: Chief Legal Counsel
 Illinois State Police
 201 Armory Building
 P.O. Box 19461
 Springfield, Illinois 62794-9461
 Telephone: 217/782-7658
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations? No.
 - 9) Other pertinent information concerning this rule (amendment, repealer): None.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name of Agency: Department of Public Aid
Heading of the Part: Medical Payment
Code Citation: 89 Ill. Adm. Code 140
Sections Involved: 140.645

Notice of Proposal Published in Illinois Register: December 16, 1994

Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
 Address: Department of Commerce and Community Affairs
 620 E. Adams, Springfield, IL 62701
 Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 13, through December 19, 1994, and have been scheduled for review by the Committee at its January 10, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Office of the Lieutenant Governor, Illinois AmeriCorps Program (47 Ill. Adm. Code 610)</u>	<u>Start of First Notice Meeting</u>	<u>1/10/95</u>
1/26/95		Office of the Lieutenant Governor, Illinois AmeriCorps Program (47 Ill. Adm. Code 610)	10/28/94 18 Ill Reg 15691	1/10/95
1/26/95		Illinois Student Assistance Commission, Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)	10/21/94 18 Ill Reg 15579	1/10/95
1/27/95		Department of Children and Family Services, Department Advisory Council, Illinois Juvenile Justice Commission and Other Statewide and Regional Committees (8 Ill Adm Code 428)	1/21/94 18 Ill Reg 561	1/10/95
1/27/95		State Board of Education, Special Education (23 Ill Adm Code 226)	7/1/94 18 Ill Reg 9810	1/10/95
1/27/95		State Board of Education, Repeal of Nonpublic Special Education Facilities (23 Ill Adm Code 401)	7/1/94 18 Ill Reg 9733	1/10/95
1/27/95		Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)	9/30/94 18 Ill Reg 14622	1/10/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

Vol. 18, Issue #52

ILLINOIS REGISTER
CUMULATIVE INDEX
December 30, 1994

		ACTION CODES	
A	- Adopted Rule	P - Proposed Rule	P - Proposed Rule
AR	- Adopted Repeater	PF - Prohibited Filing Order by JCAR*	PF - Prohibited Filing Order by JCAR*
C	- Notice of Corrections	PP - Peremptory or Court Ordered Rules	PP - Peremptory or Court Ordered Rules
CC	- Codification Changes	PR - Proposed Repeater	PR - Proposed Repeater
E	- Emergency Rule	R - Refusal to meet JCAR* Objection	R - Refusal to meet JCAR* Objection
ER	- Emergency Repeater	RC - Statement of Recommendation	RC - Statement of Recommendation
M	- Modification to meet JCAR*	S - Suspension ordered by JCAR*	S - Suspension ordered by JCAR*
Objections	O - JCAR* Statement Of Objections	W - Withdrawal to meet JCAR*	W - Withdrawal to meet JCAR*
RO	- Request for Correction	MR - Modification and Refusal	MR - Modification and Refusal
EC	- Expedited Corrections	*Joint Committee on Administrative Rules	*Joint Committee on Administrative Rules

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/28/95	Department of Public Aid, Payment (89 Ill Adm Code 140)	10/7/94	1/10/95
1/28/95	Department of Public Aid, Practice in Administrative Hearings (89 Ill Adm Code 104)	18 Ill Reg 14851	9/30/94
2/1/95	Illinois Commerce Commission, Standards of Service for Electric Utilities (83 Ill Adm Code 410)	18 Ill Reg 14521	1/10/95

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT OF

89 Ill. Adm. Code 240	Community Care Program (P-14225/93;A-609) (E-535) (P-5027) (A-13375) (P-18153)
89 Ill. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802; A-9895)
89 Ill. Adm. Code 230	Older Americans Act Program (P-5720) (A-14072) (P-17789)

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8 Ill. Adm. Code 30	Animal Control Act (P-8972) (A-14891)
8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-14117/93;A-1825) (P-8981) (P-9027) (A-17433)
8 Ill. Adm. Code 25	Animal Welfare Act (P-8993) (A-14898)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288;93; A-205)
8 Ill. Adm. Code 20	Definitions (P-14793/A-1844)
8 Ill. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116	Equine Infectious Anemia Control (P-14161/93;A-1861)
68 Ill. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765;93;A-1865)
8 Ill. Adm. Code 70	Horsemeat (P-9003) (A-14906)
8 Ill. Adm. Code 35	Humane Care for Animals Act (P-9008) (A-14909)
8 Ill. Adm. Code 50	Humane Slaughter of Livestock (P-9011) (A-14911)

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8 Ill. Adm. Code 40 68 Ill. Adm. Code 610 8 Ill. Adm. Code 125	CHILDREN AND FAMILY SERVICES, DEPARTMENT OF 89 Ill. Adm. Code 325	Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765) Appeal Of Child Abuse And Neglect Investigation Findings (P-11407) Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944) Background Check of Foster Family Home Applicants (PR-8779) Background Checks (P-2129) Background Inquiry for Purchase of Service Providers (PR-8786)	89 Ill. Adm. Code 336	(PP-16708) (A-17191) (RC-17284) Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151) Travel (P-12567)
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title ₁ , con't ₁	260.ExA am (P-13223/93-A-1233)	260.ExA am (P-13223/93-A-1233)	260.ExB am (P-13223/93-A-1233)	260.ExC am (P-13223/93-A-1233)	260.ExD am (P-13223/93-A-1233)	300. re (A-9934)	am (P-13233/93-A-4705) r (P-13233/93-A-4705)	925.230 r (P-525)
230.375	230.400	230.550	230.600	230.700	230.800	230.900	230.ExF am (P-13223/93-A-1233)	230.210 r (A-6440)
230.1000	230.ExA am (P-13223/93-A-1233)	230.ExB am (P-13223/93-A-1233)	230.ExC am (P-13223/93-A-1233)	230.ExD am (P-13223/93-A-1233)	230.ExE am (P-13223/93-A-1233)	230.ExF am (P-13223/93-A-1233)	230.210 r (A-6440)	600.10 r (A-6440)
240.100	240.200	240.300	240.400	240.500	240.600	240.700	240.ExA am (P-13224/93-A-4745)	600.220 r (A-6440)
240.800	240.900	240.1000	240.1100	245.	245.110	245.130	245.ExA am (P-13224/93-A-4745)	600.610 r (A-6440)
245.140	245.200	245.300	245.400	245.500	245.600	245.700	245.ExB am (P-13224/93-A-4745)	600.614 r (A-6440)
245.800	245.900	245.1000	245.1100	245.1200	245.1300	245.1400	245.ExC am (P-13224/93-A-4745)	600.618 r (A-6440)
245.1500	245.1600	245.1700	245.1800	245.1900	245.2000	245.2100	245.ExD am (P-13224/93-A-4745)	600.620 r (A-6440)
245.2200	245.2300	245.2400	245.2500	245.2600	245.2700	245.2800	245.ExE am (P-13224/93-A-4745)	600.622 r (A-6440)
245.2900	245.3000	245.3100	245.3200	245.3300	245.3400	245.3500	245.ExF am (P-13224/93-A-4745)	600.626 r (A-6440)
245.3600	245.3700	245.3800	245.3900	245.4000	245.4100	245.4200	245.ExG am (P-13224/93-A-4745)	600.630 r (A-6440)
245.4300	245.4400	245.4500	245.4600	245.4700	245.4800	245.4900	245.ExH am (P-13224/93-A-4745)	600.634 r (A-6440)
245.5000	245.5100	245.5200	245.5300	245.5400	245.5500	245.5600	245.ExI am (P-13224/93-A-4745)	600.638 r (A-6440)
245.5700	245.5800	245.5900	245.6000	245.6100	245.6200	245.6300	245.ExJ am (P-13224/93-A-4745)	600.640 r (A-6440)
245.6400	245.6500	245.6600	245.6700	245.6800	245.6900	245.7000	245.ExK am (P-13224/93-A-4745)	600.642 r (A-6440)
245.7100	245.7200	245.7300	245.7400	245.7500	245.7600	245.7700	245.ExL am (P-13224/93-A-4745)	600.646 r (A-6440)
245.7800	245.7900	245.8000	245.8100	245.8200	245.8300	245.8400	245.ExM am (P-13224/93-A-4745)	600.650 r (A-6440)
245.8500	245.8600	245.8700	245.8800	245.8900	245.9000	245.9100	245.ExN am (P-13224/93-A-4745)	600.654 r (A-6440)
245.9200	245.9300	245.9400	245.9500	245.9600	245.9700	245.9800	245.ExO am (P-13224/93-A-4745)	600.658 r (A-6440)
245.9900	246.0000	246.0100	246.0200	246.0300	246.0400	246.0500	246.ExP am (P-13224/93-A-4745)	600.660 r (A-6440)
246.0600	246.0700	246.0800	246.0900	246.1000	246.1100	246.1200	246.ExQ am (P-13224/93-A-4745)	600.662 r (A-6440)
246.1300	246.1400	246.1500	246.1600	246.1700	246.1800	246.1900	246.ExR am (P-13224/93-A-4745)	600.666 r (A-6440)
246.2000	246.2100	246.2200	246.2300	246.2400	246.2500	246.2600	246.ExS am (P-13224/93-A-4745)	600.666 r (A-6440)
246.2700	246.2800	246.2900	246.3000	246.3100	246.3200	246.3300	246.ExT am (P-13224/93-A-4745)	600.670 r (A-6440)
246.3400	246.3500	246.3600	246.3700	246.3800	246.3900	246.4000	246.ExU am (P-13224/93-A-4745)	600.674 r (A-6440)
246.4100	246.4200	246.4300	246.4400	246.4500	246.4600	246.4700	246.ExV am (P-13224/93-A-4745)	600.678 r (A-6440)
246.4800	246.4900	246.5000	246.5100	246.5200	246.5300	246.5400	246.ExW am (P-13224/93-A-4745)	600.680 r (A-6440)
246.5500	246.5600	246.5700	246.5800	246.5900	246.6000	246.6100	246.ExX am (P-13224/93-A-4745)	600.682 r (A-6440)
246.6200	246.6300	246.6400	246.6500	246.6600	246.6700	246.6800	246.ExY am (P-13224/93-A-4745)	600.686 r (A-6440)
246.6900	246.7000	246.7100	246.7200	246.7300	246.7400	246.7500	246.ExZ am (P-13224/93-A-4745)	600.694 r (A-6440)
246.7600	246.7700	246.7800	246.7900	246.8000	246.8100	246.8200	246.ExAA am (P-13224/93-A-4745)	600.698 r (A-6440)
246.8300	246.8400	246.8500	246.8600	246.8700	246.8800	246.8900	246.ExAB am (P-13224/93-A-4745)	600.702 r (A-6440)
246.9000	246.9100	246.9200	246.9300	246.9400	246.9500	246.9600	246.ExAC am (P-13224/93-A-4745)	600.706 r (A-6440)
246.9700	246.9800	246.9900	247.0000	247.0100	247.0200	247.0300	247.ExAD am (P-13224/93-A-4745)	600.710 r (A-6440)
247.0400	247.0500	247.0600	247.0700	247.0800	247.0900	247.1000	247.ExAE am (P-13224/93-A-4745)	600.714 r (A-6440)
247.1100	247.1200	247.1300	247.1400	247.1500	247.1600	247.1700	247.ExAF am (P-13224/93-A-4745)	600.718 r (A-6440)
247.1800	247.1900	247.2000	247.2100	247.2200	247.2300	247.2400	247.ExAG am (P-13224/93-A-4745)	600.722 r (A-6440)
247.2500	247.2600	247.2700	247.2800	247.2900	247.3000	247.3100	247.ExAH am (P-13224/93-A-4745)	600.726 r (A-6440)
247.3200	247.3300	247.3400	247.3500	247.3600	247.3700	247.3800	247.ExAI am (P-13224/93-A-4745)	600.730 r (A-6440)
247.3900	247.4000	247.4100	247.4200	247.4300	247.4400	247.4500	247.ExAJ am (P-13224/93-A-4745)	600.734 r (A-6440)
247.4600	247.4700	247.4800	247.4900	247.5000	247.5100	247.5200	247.ExAK am (P-13224/93-A-4745)	600.738 r (A-6440)
247.5300	247.5400	247.5500	247.5600	247.5700	247.5800	247.5900	247.ExAL am (P-13224/93-A-4745)	600.742 r (A-6440)
247.5950	247.6050	247.6150	247.6250	247.6350	247.6450	247.6550	247.ExAM am (P-13224/93-A-4745)	600.746 r (A-6440)
247.6580	247.6680	247.6780	247.6880	247.6980	247.7080	247.7180	247.ExAN am (P-13224/93-A-4745)	600.750 r (A-6440)
247.7210	247.7310	247.7410	247.7510	247.7610	247.7710	247.7810	247.ExAO am (P-13224/93-A-4745)	600.754 r (A-6440)
247.7840	247.7940	247.8040	247.8140	247.8240	247.8340	247.8440	247.ExAP am (P-13224/93-A-4745)	600.758 r (A-6440)
247.8470	247.8570	247.8670	247.8770	247.8870	247.8970	247.9070	247.ExAQ am (P-13224/93-A-4745)	600.762 r (A-6440)
247.9100	247.9200	247.9300	247.9400	247.9500	247.9600	247.9700	247.ExAR am (P-13224/93-A-4745)	600.766 r (A-6440)
247.9730	247.9830	247.9930	248.0030	248.0130	248.0230	248.0330	248.ExAS am (P-13224/93-A-4745)	600.770 r (A-6440)
248.0360	248.0460	248.0560	248.0660	248.0760	248.0860	248.0960	248.ExAT am (P-13224/93-A-4745)	600.774 r (A-6440)
248.0990	248.1090	248.1190	248.1290	248.1390	248.1490	248.1590	248.ExAU am (P-13224/93-A-4745)	600.778 r (A-6440)
248.1620	248.1720	248.1820	248.1920	248.2020	248.2120	248.2220	248.ExAV am (P-13224/93-A-4745)	600.782 r (A-6440)
248.2250	248.2350	248.2450	248.2550	248.2650	248.2750	248.2850	248.ExAW am (P-13224/93-A-4745)	600.786 r (A-6440)
248.2880	248.2980	248.3080	248.3180	248.3280	248.3380	248.3480	248.ExAX am (P-13224/93-A-4745)	600.790 r (A-6440)
248.3510	248.3610	248.3710	248.3810	248.3910	248.4010	248.4110	248.ExAY am (P-13224/93-A-4745)	600.794 r (A-6440)
248.4140	248.4240	248.4340	248.4440	248.4540	248.4640	248.4740	248.ExAZ am (P-13224/93-A-4745)	600.798 r (A-6440)
248.4770	248.4870	248.4970	248.5070	248.5170	248.5270	248.5370	248.ExBA am (P-13224/93-A-4745)	600.802 r (A-6440)
248.5400	248.5500	248.5600	248.5700	248.5800	248.5900	248.6000	248.ExBC am (P-13224/93-A-4745)	600.806 r (A-6440)
248.6030	248.6130	248.6230	248.6330	248.6430	248.6530	248.6630	248.ExBD am (P-13224/93-A-4745)	600.810 r (A-6440)
248.6660	248.6760	248.6860	248.6960	248.7060	248.7160	248.7260	248.ExBE am (P-13224/93-A-4745)	600.814 r (A-6440)
248.7290	248.7390	248.7490	248.7590	248.7690	248.7790	248.7890	248.ExBF am (P-13224/93-A-4745)	600.818 r (A-6440)
248.7920	248.7920	248.7920	248.7920	248.7920	248.7920	248.7920	248.ExBG am (P-13224/93-A-4745)	600.822 r (A-6440)
248.7950	248.7950	248.7950	248.7950	248.7950	248.7950	248.7950	248.ExBH am (P-13224/93-A-4745)	600.826 r (A-6440)
248.7980	248.7980	248.7980	248.7980	248.7980	248.7980	248.7980	248.ExBI am (P-13224/93-A-4745)	600.830 r (A-6440)
248.8010	248.8010	248.8010	248.8010	248.8010	248.8010	248.8010	248.ExBJ am (P-13224/93-A-4745)	600.834 r (A-6440)
248.8040	248.8040	248.8040	248.8040	248.8040	248.8040	248.8040	248.ExBK am (P-13224/93-A-4745)	600.838 r (A-6440)
248.8070	248.8070	248.8070	248.8070	248.8070	248.8070	248.8070	248.ExBL am (P-13224/93-A-4745)	600.842 r (A-6440)
248.8100	248.8100	248.8100	248.8100	248.8100	248.8100	248.8100	248.ExBM am (P-13224/93-A-4745)	600.846 r (A-6440)
248.8130	248.8130	248.8130	248.8130	248.8130	248.8130	248.8130	248.ExBN am (P-13224/93-A-4745)	600.850 r (A-6440)
248.8160	248.8160	248.8160	248.8160	248.8160	248.8160	248.8160	248.ExBO am (P-13224/93-A-4745)	600.854 r (A-6440)
248.8190	248.8190	248.8190	248.8190	248.8190	248.8190	248.8190	248.ExBP am (P-13224/93-A-4745)	600.858 r (A-6440)
248.8220	248.8220	248.8220	248.8220	248.8220	248.8220	248.8220	248.ExBQ am (P-13224/93-A-4745)	600.862 r (A-6440)
248.8250	248.8250	248.8250	248.8250	248.8250	248.8250	248.8250	248.ExBR am (P-13224/93-A-4745)	600.866 r (A-6440)
248.8280	248.8280	248.8280	248.8280	248.8280	248.8280	248.8280	248.ExBS am (P-13224/93-A-4745)	600.870 r (A-6440)
248.8310	248.8310	248.8310	248.8310	248.8310	248.8310	248.8310	248.ExBT am (P-13224/93-A-4745)	600.874 r (A-6440)
248.8340	248.8340	248.8340	248.8340	248.8340	248.8340	248.8340	248.ExBU am (P-13224/93-A-4745)	600.878 r (A-6440)
248.8370	248.8370	248.8370	248.8370	248.8370	248.8370	248.8370	248.ExBV am (P-13224/93-A-4745)	600.882 r (A-6440)
248.8400	248.8400	248.8400	248.8400	248.8400</				

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107.207 n	(P-1937/93-A-2939)	1810.1020	n	(P-20516/93/A-4834)	180.330
107.210 n	(P-1937/93/A-2939)	1810.1100	n	(P-20516/93/A-4834)	180.340
107.305 n	(P-1937/93/A-2939)	1810.1110	n	(P-20516/93/A-4834)	180.400
107.307 n	(P-1937/93/A-2939)	180.410	n	(P-96711)	180.420
107.320 am	(P-1937/93/A-2939)	180.420	n	(P-96711)	180.500
107.330 am	(P-1937/93/A-2939)	180.500	n	(P-96711)	180.600
107.405 n	(P-1937/93/A-2939)	1.10	am	(P-1007/93/A-1171)	180.510
107.410 am	(P-1937/93/A-2939)	1.20	am	(P-1007/93/A-1171)	180.520
107.500 n	(P-1937/93/A-2939)	1.30	am	(P-1007/93/A-1171)	180.530
107.560 n	(P-1937/93/A-2939)	1.40	am	(P-1007/93/A-1171)	180.600
107.570 n	(P-1937/93/A-2939)	1.50	am	(P-1007/93/A-1171)	180.610
107.570 n	(P-1937/93/A-2939)	1.60	am	(P-1007/93/A-1171)	180.620
107.530 n	(P-1937/93/A-2939)	1.70	am	(P-1007/93/A-1171)	180.625
107.540 n	(P-1937/93/A-2939)	1.80	am	(P-1007/93/A-1171)	180.630
107.550 n	(P-1937/93/A-2939)	1.90	am	(P-1007/93/A-1171)	180.635
107.560 n	(P-1937/93/A-2939)	1.100	n	(P-96711)	180.640
107.560 n	(P-1937/93/A-2939)	1.280	am	(P-18180)	180.645
405.20 am	(P-19405/93/A-2970)	1.420	am	(P-18180)	180.650
405.55 n	(P-19405/93/A-2970)	1.445	am	(P-18180)	180.655
420.30 am	(P-19367/93/A-2929)	110.20	am	(P-18180)	180.660
460.12 am	(P-1937/93/A-2933)	1.00 D	am	(P-1006/93/A-1169)	210.10
460.20 am	(P-1937/93/A-2933)	1.APF E	n	(P-1006/93/A-1169)	210.100
460.30 am	(P-1937/93/A-2933)	1.APF F	n	(P-1006/93/A-1169)	210.110
460.40 am	(P-1937/93/A-2933)	1.APF G	n	(P-1006/93/A-1169)	210.120
501.40 am	(P-8369/93/A-4328)	110.15	am	(P-18283/93/A-5178)	210.130
501.60 am	(P-8369/93/A-4328)	110.20	am	(P-18283/93/A-5178)	210.140
1570.10 n	(P-21136/93/A-4679)	110.25	am	(P-18283/93/A-5178)	210.150
1570.20 n	(P-21136/93/A-4679)	110.25	am	(P-18283/93/A-5178)	210.160
1570.30 n	(P-21136/93/A-4679)	110.40	am	(P-18283/93/A-5178)	210.170
1570.40 n	(P-21136/93/A-4679)	110.50	am	(P-18283/93/A-5178)	210.180
1570.50 n	(P-21136/93/A-4679)	110.90	am	(P-18283/93/A-5178)	226.5
1570.60 n	(P-21136/93/A-4679)	110.100	am	(P-18283/93/A-5178)	226.630
1800.20 n	(P-20539/93/A-4852)	110.115	am	(P-18283/93/A-5178)	226.525
1800.20 n	(P-20539/93/A-4852)	110.115	am	(P-18283/93/A-5178)	226.535
1800.40 n	(P-20539/93/A-4852)	110.120	n	(P-18283/93/A-5178)	226.552
1810.100 n	(P-20516/93/A-4834)	110.125	n	(P-18283/93/A-5178)	226.560
1810.110 n	(P-20516/93/A-4834)	110.135	n	(P-18283/93/A-5178)	226.562
1810.200 n	(P-20516/93/A-4834)	110.TB.B	am	(P-18405/93/A-4885)	226.564
1810.210 n	(P-20516/93/A-4834)	110.TB.C	am	(P-18405/93/A-4885)	226.575
1810.220 n	(P-20516/93/A-4834)	110.TC.D	am	(P-18405/93/A-4885)	226.630
1810.230 n	(P-20516/93/A-4834)	120.205	n	(P-18405/93/A-4885)	226.662
1810.440 n	(P-20516/93/A-4834)	170.10	n	(P-18419/93/A-4639)	226.688
1810.50 n	(P-20516/93/A-4834)	170.20	n	(P-18419/93/A-4639)	226.690
1810.300 n	(P-20516/93/A-4834)	170.30	n	(P-18419/93/A-4639)	245.10
1810.400 n	(P-20516/93/A-4834)	180.50	n	(P-8935/EC-11386)	245.20
1810.410 n	(P-20516/93/A-4834)	170.40	n	(P-18419/93/A-4639)	245.30
1810.520 n	(P-20516/93/A-4834)	170.50	n	(P-18419/93/A-4639)	245.40
1810.540 n	(P-20516/93/A-4834)	180.70	n	(P-18419/93/A-4639)	245.50
1810.550 n	(P-20516/93/A-4834)	180.80	n	(P-18419/93/A-4639)	245.60
1810.600 n	(P-20516/93/A-4834)	180.90	n	(P-18419/93/A-4639)	245.70
1810.610 n	(P-20516/93/A-4834)	180.100	n	(P-18419/93/A-4639)	252.20
1810.620 n	(P-20516/93/A-4834)	180.110	n	(P-96711)	180.120
1810.520 n	(P-20516/93/A-4834)	180.50	n	(P-96711)	180.60
1810.530 n	(P-20516/93/A-4834)	180.60	n	(P-96711)	180.200
1810.540 n	(P-20516/93/A-4834)	180.70	n	(P-96711)	180.210
1810.550 n	(P-20516/93/A-4834)	180.80	n	(P-96711)	180.671
1810.440 n	(P-20516/93/A-4834)	180.90	n	(P-96711)	180.220
1810.500 n	(P-20516/93/A-4834)	180.100	n	(P-96711)	180.230
1810.510 n	(P-20516/93/A-4834)	180.110	n	(P-96711)	180.240
1810.520 n	(P-20516/93/A-4834)	180.120	n	(P-96711)	180.250
1810.530 n	(P-20516/93/A-4834)	180.130	n	(P-96711)	180.300
1810.540 n	(P-20516/93/A-4834)	180.140	n	(P-96711)	180.310
1810.550 n	(P-20516/93/A-4834)	180.150	n	(P-96711)	180.320
1810.1010 n	(P-20516/93/A-4834)	180.110	n	(P-96711)	180.110

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(TITLE 23, CON'T.)

title	35, con't.)	(P-4-A-16906)	211.3660	n	(P-9228-A-16379)	218.120	n	(P-10549-A-16950)
184.105	n	(P-4-A-16906)	211.3695	n	(P-10363)	218.121	am	(P-10549-A-16950)
184.106	n	(P-4-A-16906)	211.3915	n	(P-17295)(93-A-1253)	218.125	n	(P-10549-A-16950)
184.201	n	(P-4-A-16906)	211.3950	n	(P-12491)(93-A-1253)	218.127	n	(P-10549-A-16950)
184.202	n	(P-4-A-16906)	211.3960	n	(P-17355)	218.128	n	(P-10549-A-16950)
184.203	n	(P-4-A-16906)	211.3965	n	(P-17355)	218.129	n	(P-10549-A-16950)
184.204	n	(P-4-A-16906)	211.4050	am	(P-12491)(93-A-1253)	218.204	am	(P-15211)
184.205	n	(P-4-A-16906)	211.4055	am	(P-15192)	218.205	am	(P-15211)
184.206	n	(P-4-A-16906)	211.4065	n	(P-17071)	218.207	am	(P-15211)
184.207	n	(P-4-A-16906)	211.4130	am	(P-10363)	218.208	am	(P-15211)
184.300	n	(P-4-A-16906)	211.4260	n	(P-6331-A-15744)	218.210	am	(P-15211)
184.301	n	(P-4-A-16906)	211.4270	n	(P-15192)	218.212	n	(P-15211)
184.302	n	(P-4-A-16906)	211.4280	n	(P-12491)(93-A-1253)	218.213	n	(P-15211)
184.400	n	(P-4-A-16906)	211.4850	n	(P-12491)(93-A-1253)	218.214	n	(P-15211)
184.401	n	(P-4-A-16906)	211.4970	n	(P-12491)(93-A-1253)	218.402	am	(P-12491)(93-A-1945)
184.402	n	(P-4-A-16906)	211.5010	n	(P-17555)	218.405	n	(P-17084)
184.403	n	(P-4-A-16906)	211.5060	n	(P-7589-A-14962)	218.406	n	(P-17084)
184.500	n	(P-4-A-16906)	211.5061	n	(P-17355)	218.407	am	(P-17084)
184.501	n	(P-4-A-16906)	211.5065	n	(P-15192)	218.408	n	(P-17084)
184.502	n	(P-4-A-16906)	211.5080	n	(P-17355)	218.409	n	(P-17084)
184.503	n	(P-4-A-16906)	211.5090	am	(P-17355)	218.410	n	(P-17084)
184.504	n	(P-4-A-16906)	211.5245	n	(P-17080)	218.411	n	(P-17084)
184.505	n	(P-4-A-16906)	211.5340	n	(P-8331-A-15744)	218.412	n	(P-17084)
184.506	n	(P-4-A-16906)	211.5380	n	(P-12491)(93-A-1253)	218.431	n	(P-15211)
201.101	am	(P-8347-A-15760)	211.5480	n	(P-15192)	218.432	n	(P-15211)
201.166	#	(P-8347-A-15760)	211.5520	n	(P-12491)(93-A-1253)	218.433	n	(P-15211)
201.167	#	(P-8347-A-15760)	211.5600	n	(P-15192)	218.434	n	(P-15211)
201.168	#	(P-8347-A-15760)	211.5980	n	(P-17071)	218.435	n	(P-15211)
201.207	#	(P-8347-A-15760)	211.6060	n	(P-15192)	218.436	n	(P-15211)
201.208	n	(P-8347-A-15760)	211.6110	n	(P-12491)(93-A-1253)	218.480	am	(P-17084)
201.209	n	(P-8347-A-15760)	211.6140	n	(P-15192)	218.500	n	(P-17823)
201.210	n	(P-8347-A-15760)	211.6145	n	(P-17355)	218.501	n	(P-17823)
201.211	n	(P-8347-A-15760)	211.6170	n	(P-12491)(93-A-1253)	218.502	n	(P-17823)
201.212	n	(P-8347-A-15760)	211.6260	n	(P-17355)	218.503	n	(P-17823)
201.302	am	(P-7636-A-15029)	211.6355	n	(P-8331-A-15744)	218.504	n	(P-17823)
203.209	am	(P-7636-A-6335)	211.6380	n	(P-8331-A-15744)	218.505	n	(P-17823)
211.102	am	(P-8331-A-15744)	211.6400	n	(P-15192)	218.506	n	(P-17823)
211.140	n	(P-17355)	211.6540	n	(P-17355)	218.507	#am	(P-17823)
211.270	n	(P-12491)(93-A-1253)	211.6820	n	(P-12491)(93-A-1253)	218.508	n	(P-10549-A-16950)
211.474	n	(P-17071)	211.6950	n	(P-17355)	218.523	n	(P-10549-A-16950)
211.495	n	(P-17355)	211.6960	n	(P-12491)(93-A-1253)	218.524	n	(P-10549-A-16950)
211.560	n	(P-17071)	211.6980	n	(P-12491)(93-A-1253)	218.525	n	(P-10549-A-16950)
211.660	n	(P-15192)	211.6985	n	(P-17355)	218.583	am	(P-17620)(93-A-1945)
211.670	am	(P-15192)	211.7010	n	(P-12491)(93-A-1253)	218.602	n	(P-12491)(93-A-1945)
211.760	n	(P-15192)	211.7400	n	(P-1967-A-11587)	218.611	am	(P-12491)(93-A-1945)
211.885	n	(P-17355)	211.8230	n	(P-12491)(93-A-1253)	218.620	am	(P-12491)(93-A-1945)
211.895	n	(P-17808)	211.8680	n	(P-17355)	218.623	r	(P-12491)(93-A-1945)
211.900	n	(P-15192)	211.8980	n	(P-15192)	218.660	n	(P-12491)(93-A-1945)
211.920	n	(P-15192)	211.9070	am	(P-9228-A-16379)	218.661	n	(P-12491)(93-A-1945)
211.980	n	(P-15192)	212.703	n	(P-9228-A-16379)	218.667	am	(P-12491)(93-A-1945)
211.1070	n	(P-12491)(93-A-1253)	212.704	n	(P-9228-A-16379)	218.668	n	(P-12491)(93-A-1945)
211.1780	n	(P-15192)	212.705	n	(P-967-A-11587)	218.670	n	(P-12491)(93-A-1945)
211.1875	n	(P-17355)	212.7113	n	(P-967-A-11587)	218.672	n	(P-12491)(93-A-1945)
211.1880	n	(P-15192)	212.700	n	(P-967-A-11587)	218.680	n	(P-12491)(93-A-1945)
211.1900	n	(P-15192)	212.701	n	(P-967-A-11587)	218.686	n	(P-12491)(93-A-1945)
211.280	n	(P-8331-A-15744)	212.702	n	(P-967-A-11587)	218.727	n	(P-15211)
211.2930	n	(P-12491)(93-A-1253)	212.703	n	(P-967-A-11587)	218.728	n	(P-15211)
211.3400	n	(P-10526)	212.704	n	(P-967-A-11587)	218.729	n	(P-15211)
211.3436	n	(P-15192)	212.705	n	(P-9228-A-16379)	218.730	n	(P-15211)
211.3436	n	(P-15192)	218.106	am	(P-12491)(93-A-1945)	218.732	n	(P-15211)
211.3610	n	(P-12491)(93-A-1253)	218.106	am	(P-9228-A-16379)	218.736	n	(P-15211)
211.2850	am	(P-10707)	218.108	am	(P-12491)(93-A-1945)	218.737	n	(P-15211)
211.3480	n	(P-9228-A-16379)	218.112	am	(P-12491)(93-A-1945)	218.738	n	(P-15211)
211.3500	n	(P-8331-A-15744)	218.114	am	(P-7602-A-14973)	218.760	n	(P-9242-A-16379)
211.3620	n	(P-8331-A-15744)	218.119	n	(P-10549-A-16950)	218.762	n	(P-9242-A-16379)
211.3650	am	(P-9228-A-16379)	218.119	n	(P-10549-A-16950)	218.765	n	(P-9242-A-16379)

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2800.260	am	(P-946:A-10701)	505.370	am	(P-7156:A-15723)	772.30	n	(P-14878)	100.7200	am	(P-14878)	102.240	am
2800.600	am	(P-12567)	505.320	r	(P-946:A-10701)	772.35	n	(P-14878)	100.7300	am	(P-15471/93:A-1510)	102.250	am
2800.700	am	(P-12567)	505.430	am	(P-7156:A-15723)	772.40	n	(P-15471/93:A-1510)	100.7310	am	(P-15471/93:A-1510)	104.103	am
TITLE 83			505.450	r	(P-946:A-10701)	772.45	n	(P-15471/93:A-1510)	100.9000	am	(P-15471/93:A-1510)	104.104	am
105.10	am	(P-17801)	505.470	am	(P-946:A-10701)	772.50	n	(P-15471/93:A-1510)	100.9100	am	(P-15471/93:A-1510)	104.208	am
105.20	am	(P-17801)	505.500	am	(P-946:A-10701)	772.55	n	(P-15471/93:A-1510)	100.9400	am	(P-15471/93:A-1510)	104.209	n
105.30	am	(P-17801)	505.600	am	(P-946:A-10701)	772.60	n	(P-15471/93:A-1510)	100.9420	am	(P-15471/93:A-1510)	104.210	n
105.40	am	(P-17801)	505.1080	r	(P-946:A-10701)	772.70	n	(P-15471/93:A-1510)	110.160	am	(P-15618)	104.211	am
105.50	am	(P-17801)	505.2070	n	(P-946:A-10701)	772.75	n	(P-15471/93:A-1510)	120.100	am	(P-1789:A-12849)	104.221	n
200.875	n	(P-202/1793:A-7748)	505.2110	n	(P-946:A-10701)	772.80	n	(P-6684:D-14212)	130.455	n	(P-6879:A-16866)	104.244	am
280.50	am	(P-918:A-18031)	505.2140	n	(P-946:A-10701)	772.85	n	(P-15385)	130.501	am	(P-15385)	111.20	am
280.76	am	(P-202/93:A-6160)	505.4090	r	(P-946:A-10701)	772.90	n	(P-15385)	130.502	am	(P-15385)	111.101	am
280.130	am	(P-918:A-18031)	505.4390	am	(P-946:A-10701)	772.95	n	(P-15385)	130.510	am	(P-15385)	111.101	am
315.40	n	(P-202/93:A-676)	525.10	r	(P-15484)	772.135	n	(P-15385)	130.540	am	(P-15385)	112.70	am
285.305	am	(P-2273:A-10684)	525.20	r	(P-15484)	772.140	n	(P-15385)	130.901	am	(P-15385)	112.70	am
315.10	am	(P-202/93:A-676)	525.25	r	(P-15484)	772.150	n	(P-15385)	130.905	am	(P-15385)	112.71	am
315.20	am	(M-795)P-202/93:	525.30	r	(P-15484)	770.5	n	(P-15385)	130.2007	am	(P-15385)	112.72	am
315.30	am	(P-202/93:A-676)	525.40	r	(P-15484)	780.10	n	(P-15385)	140.101	am	(P-15385)	112.74	am
315.40	n	(P-202/93:A-676)	525.45	r	(P-15484)	780.110	n	(P-15385)	140.125	am	(P-15385)	112.76	am
315.50	n	(P-202/93:A-676)	525.50	r	(P-15484)	780.120	n	(P-15385)	140.141	am	(P-15385)	112.77	am
315.60	n	(P-202/93:A-676)	525.60	r	(P-15484)	780.130	n	(P-15385)	140.401	am	(P-15385)	112.78	am
315.70	n	(P-202/93:A-676)	525.65	r	(P-15484)	780.200	n	(P-15385)	140.405	am	(P-15385)	112.79	am
410.410	am	(P-1521)	525.70	r	(P-15484)	780.210	n	(P-15385)	140.1415	am	(P-15385)	112.80	am
410.420	n	(P-1521)	525.75	r	(P-15484)	780.220	n	(P-15385)	140.1601	am	(P-15385)	112.81	am
410.430	n	(P-1521)	525.80	r	(P-15484)	780.230	n	(P-15385)	140.175	am	(P-15385)	112.82	am
410.440	n	(P-1521)	525.90	r	(P-15484)	780.240	n	(P-15385)	140.185	am	(P-15385)	112.83	am
410.450	n	(P-1521)	535.15	r	(P-15484)	780.300	n	(P-15385)	140.195	am	(P-15385)	112.84	am
410.460	n	(P-1521)	535.20	r	(P-15484)	780.310	n	(P-15385)	140.205	am	(P-15385)	112.85	am
410.470	n	(P-1521)	535.25	r	(P-15484)	780.320	n	(P-15385)	140.210	am	(P-15385)	112.86	am
410.480	n	(P-1521)	535.30	r	(P-15484)	780.330	n	(P-15385)	140.215	am	(P-15385)	112.87	am
410.490	n	(P-1521)	535.35	r	(P-15484)	780.340	n	(P-15385)	140.220	am	(P-15385)	112.88	am
410.500	n	(P-1521)	535.40	r	(P-15484)	780.350	n	(P-15385)	140.225	am	(P-15385)	112.89	am
415.10	am	(P-937A-10632)	535.45	r	(P-6081)	780.360	n	(P-15385)	140.230	am	(P-15385)	112.90	am
415.20	am	(P-937A-10632)	535.50	r	(P-6081)	781.10	n	(P-15385)	140.240	am	(P-15385)	112.91	am
415.25	am	(P-937A-10632)	535.55	r	(P-6081)	781.20	n	(P-15385)	140.245	am	(P-15385)	112.92	am
415.30	am	(P-937A-10632)	535.60	r	(P-6081)	781.30	n	(P-15385)	140.250	am	(P-15385)	112.93	am
415.35	am	(P-937A-10632)	535.65	r	(P-6081)	781.40	n	(P-15385)	140.255	am	(P-15385)	112.94	am
415.41	am	(P-937A-10632)	535.70	r	(P-6081)	781.50	n	(P-15385)	140.260	am	(P-15385)	112.95	am
415.411	n	(P-937A-10632)	535.75	r	(P-6081)	781.60	n	(P-15385)	140.265	am	(P-15385)	112.96	am
415.420	am	(P-937A-10632)	535.80	r	(P-6081)	781.70	n	(P-15385)	140.270	am	(P-15385)	112.97	am
415.425	am	(P-937A-10632)	535.85	r	(P-6081)	781.80	n	(P-15385)	140.275	am	(P-15385)	112.98	am
415.430	am	(P-937A-10632)	535.90	r	(P-6081)	781.90	n	(P-15385)	140.280	am	(P-15385)	112.99	am
415.435	am	(P-937A-10632)	535.95	r	(P-6081)	781.95	n	(P-15385)	140.285	am	(P-15385)	112.10	am
415.440	n	(P-937A-10632)	535.10	r	(P-6081)	782.10	n	(P-15385)	140.290	am	(P-15385)	112.11	am
415.445	n	(P-937A-10632)	535.15	r	(P-6081)	782.20	n	(P-15385)	140.295	am	(P-15385)	112.12	am
415.450	n	(P-937A-10632)	535.20	r	(P-6081)	782.30	n	(P-15385)	140.300	am	(P-15385)	112.13	am
415.455	n	(P-937A-10632)	535.25	r	(P-6081)	782.40	n	(P-15385)	140.305	am	(P-15385)	112.14	am
415.460	n	(P-937A-10632)	535.30	r	(P-6081)	782.50	n	(P-15385)	140.310	am	(P-15385)	112.15	am
415.470	n	(P-937A-10632)	535.35	r	(P-6081)	782.60	n	(P-15385)	140.315	am	(P-15385)	112.16	am
415.475	n	(P-937A-10632)	535.40	r	(P-6081)	782.70	n	(P-15385)	140.320	am	(P-15385)	112.17	am
415.480	n	(P-937A-10632)	535.45	r	(P-6081)	782.80	n	(P-15385)	140.325	am	(P-15385)	112.18	am
415.485	n	(P-937A-10632)	535.50	r	(P-6081)	782.90	n	(P-15385)	140.330	am	(P-15385)	112.19	am
415.490	n	(P-937A-10632)	535.55	r	(P-6081)	783.00	n	(P-15385)	140.335	am	(P-15385)	112.20	am
415.495	n	(P-937A-10632)	535.60	r	(P-6081)	783.10	n	(P-15385)	140.340	am	(P-15385)	112.21	am
415.500	n	(P-937A-10632)	535.65	r	(P-6081)	783.20	n	(P-15385)	140.345	am	(P-15385)	112.22	am
415.505	n	(P-937A-10632)	535.70	r	(P-6081)	783.30	n	(P-15385)	140.350	am	(P-15385)	112.23	am
415.510	n	(P-937A-10632)	535.75	r	(P-6081)	783.40	n	(P-15385)	140.355	am	(P-15385)	112.24	am
415.515	n	(P-937A-10632)	535.80	r	(P-6081)	783.50	n	(P-15385)	140.360	am	(P-15385)	112.25	am
415.520	n	(P-937A-10632)	535.85	r	(P-6081)	783.60	n	(P-15385)	140.365	am	(P-15385)	112.26	am
415.525	n	(P-937A-10632)	535.90	r	(P-6081)	783.70	n	(P-15385)	140.370	am	(P-15385)	112.27	am
415.530	n	(P-937A-10632)	535.95	r	(P-6081)	783.80	n	(P-15385)	140.375	am	(P-15385)	112.28	am
415.535	n	(P-937A-10632)	536.00	r	(P-6081)	783.90	n	(P-15385)	140.380	am	(P-15385)	112.29	am
415.540	n	(P-937A-10632)	536.05	r	(P-6081)	784.00	n	(P-15385)	140.385	am	(P-15385)	112.30	am
415.545	n	(P-937A-10632)	536.10	r	(P-6081)	784.10	n	(P-15385)	140.390	am	(P-15385)	112.31	am
415.550	n	(P-937A-10632)	536.15	r	(P-6081)	784.20	n	(P-15385)	140.395	am	(P-15385)	112.32	am
415.555	n	(P-937A-10632)	536.20	r	(P-6081)	784.30	n	(P-15385)	140.400	am	(P-15385)	112.33	am
415.560	n	(P-937A-10632)	536.25	r	(P-6081)	784.40	n	(P-15385)	140.405	am	(P-15385)	112.34	am
415.565	n	(P-937A-10632)	536.30	r	(P-6081)	784.50	n	(P-15385)	140.410	am	(P-15385)	112.35	am
415.570	n	(P-937A-10632)	536.35	r	(P-6081)	784.60	n	(P-15385)	140.415	am	(P-15385)	112.36	am
415.575	n	(P-937A-10632)	536.40	r	(P-6081)	784.70	n	(P-15385)	140.420	am	(P-15385)	112.37	am
415.580	n	(P-937A-10632)	536.45	r	(P-6081)	784.80	n	(P-15385)	140.425	am	(P-15385)	112.38	am
415.585	n	(P-937A-10632)	536.50	r	(P-6081)	784.90	n	(P-15385)	140.430	am	(P-15385)	112.39	am
415.590	n	(P-937A-10632)	536.55	r	(P-6081)	785.00	n	(P-15385)	140.435	am	(P-15385)	112.40	am
415.595	n	(P-937A-10632)	536.60	r	(P-6081)	785.10	n	(P-15385)	140.440	am	(P-15385)	112.41	am
415.600	n	(P-937A-10632)	536.65	r	(P-6081)	785.20	n	(P-15385)	140.445	am	(P-15385)	112.42	am
415.605	n	(P-937A-10632)	536.70	r	(P-6081)	785.30	n	(P-15385)	140.450	am	(P-15385)	112.43	am
415.610	n	(P-937A-10632)	536.75	r	(P-6081)	785.40	n	(P-15385)	140.455	am	(P-15385)	112.44	am
415.615	n	(P-937A-10632)	536.80	r	(P-6081)	785.50	n	(P-15385)	140.460	am	(P-15385)	112.45	am
415.620	n	(P-937A-10632)	536.85	r	(P-6081)	785.60	n	(P-15385)	140.465	am	(P-15385)	112.46	am
415.625	n	(P-937A-10632)	536.90	r	(P-6081)	785.70	n	(P-15385)	140.470	am	(P-15385)</		

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114.210 am (P-15862/93-A-7289)	121.188 am (P-21981/93/A-8921)	144.75 r (P-11079-A-16119)	149.75 am (P-15243/93/A-3378) 149.100 am (P-15243/93/A-3378) 149.105 am (P-15243/93/A-3378) 149.110 am (P-15243/93/A-3378)	300.20 am (P-15243/93/A-8801) 300.130 am (P-15243/93/A-8801) 300.160 am (P-15243/93/A-8377) 300 Ag.B (P-8240) 305.20 am (P-6467/A-17200) 305.30 am (P-6467/A-17200)	384.3 am (P-8528) 384.4 am (P-8528) 384.5 am (P-8528)
114.235 am (P-19443/93/A-3436)	140.12 am (P-22308/93-A-7390)	144.75 r (P-15436/93/A-3620)	149.100 am (P-16059) 144.100 r (E-11314) 140.19 am (P-16059) 140.24 am (P-5951/A-14126) 140.27 am (P-5951/A-14126)	149.105 am (P-15243/93/A-3378) 149.115 am (P-15243/93/A-3378) 149.140 am (P-15243/93/A-3378) 149.150 am (P-15243/93/A-3378)	384.30 n (P-8528) 384.60 n (P-8528)
114.241 am (P-19443/93/A-3436)	140.16 am (P-16059)	144.100 r (P-11079-A-16119)	149.105 am (P-15243/93/A-3378)	300.50 am (P-15243/93/A-3378)	384.30 n (P-8528)
114.243 am (P-19443/93/A-3436)	140.19 am (P-16059)	144.105 r (E-11314)	149.105 am (P-15243/93/A-3378)	300.50 am (P-15243/93/A-3378)	384.30 n (P-8528)
114.251 am (P-15862/93-A-7289)	140.23 am (P-22308/93-A-7390)	144.105 r (E-11314)	152.100 n (P-1677/A-10141)	305.40 am (P-6467/A-17200)	384.70 n (P-8528)
114.251 am (P-22308/93-A-7390)	140.43 am (P-15436/93/A-3620)	144.125 am (E-11314)	152.150 n (P-1677/A-10141)	305.80 am (P-15150)	384.90 n (P-8528)
114.253 am (P-16059)	140.47 am (P-1736/93/A-3620)	144.150 am (E-11314)	152.200 n (P-1677/A-10141)	308.20 am (P-15150)	384.100 n (P-8528)
114.450 am (P-19443/93/A-3436)	140.82 am (P-1736/93/A-3620)	144.75 am (P-11079-A-16119)	160.5 am (P-15610)	308.40 am (P-15150)	384.110 n (P-8528)
114.452 am (P-19443/93/A-3436)	140.84 am (P-1736/93/A-3620)	144.75 am (P-11079-A-16119)	160.12 am (P-14296)	308.50 am (P-15150)	384.120 n (P-8528)
114.454 am (P-19443/93/A-3436)	140.43 am (P-18436/93/A-3620)	144.200 r (P-11079-A-16119)	160.60 am (P-15610)	308.60 am (P-15150)	384.130 n (P-8528)
114.456 am (P-19443/93/A-3436)	140.43 am (P-18436/93/A-3620)	144.25 am (P-11079-A-16119)	163.100 n (P-1686/A-10154)	308.70 am (P-15150)	385.10 am (P-8219)
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115.30 am (P-3346/A-17671)	140.80 am (P-1736/93/A-3620)	144.25 am (P-11079-A-16119)	160.5 am (P-12067/A-697)	314.30 n (P-15150)	385.50 n (P-8219)
115.40 am (P-3346/A-17671)	140.82 am (P-1736/93/A-3620)	144.75 am (P-11079-A-16119)	160.70 am (P-14296)	314.40 n (P-15150)	385.60 n (P-8219)
117.10 am (P-2158/93/A-3746)	140.84 am (P-1736/93/A-3620)	144.230 am (P-11079-A-16119)	160.12 am (P-14296)	314.50 n (P-15150)	385.70 n (P-8219)
117.54 am (P-22007/93/A-7403)	140.43 am (P-1736/93/A-3620)	144.200 r (P-11079-A-16119)	160.60 am (P-14296)	314.60 n (P-15150)	385.80 n (P-8219)
120.20 am (P-2232/93/A-8718)	140.42 am (P-19445/93/W-16145)	144.205 r (E-11314)	163.100 n (P-11079-A-16119)	314.70 n (P-15150)	385.90 n (P-8219)
120.31 am (P-1392/93/A-2051)	140.421 am (P-15444/93/A-4250)	144.225 r (E-11314)	163.150 n (P-11082/A-16669)	314.80 n (P-15150)	386.40 n (P-8219)
120.324 r,n (P-1266/93/A-5534)	140.440 am (P-4597/A-16675)	144.230 am (P-11079-A-16119)	160.5 am (P-15610)	314.90 n (P-17593/93/A-8366)	386.50 n (P-8219)
120.326 r,n (P-21266/93/A-5534)	140.443 am (P-4597/A-16675)	144.235 am (P-11079-A-16119)	160.12 am (P-14296)	314.95 n (P-17593/93/A-8366)	386.60 n (P-8219)
120.327 n (P-21266/93/A-5534)	140.461 am (P-19445/93/W-16745)	144.250 r (E-11314)	160.60 am (P-457/A-10252)	314.70 n (P-12067/93/A-697)	386.90 n (P-8219)
120.345 am (P-19445/93/W-16745)	140.461 am (P-1736/93/A-3620)	144.275 am (E-11314)	160.65 am (P-15610)	314.80 n (P-17593/93/A-8366)	386.100 n (P-8219)
120.346 am (P-14830)	140.462 am (P-18436/93/A-3620)	144.275 am (E-11314)	160.70 am (P-1229/93/A-15083)	314.90 n (P-17593/93/A-8366)	386.150 n (P-8219)
120.347 n (P-14830)	140.463 am (P-18436/93/A-3620)	144.300 am (P-11079-A-16119)	160.75 am (P-17886)	325.10 n (P-15705)	386.22 am (P-8219)
120.380 am (P-14830)	140.469 am (P-12053/A-1231)	144.325 am (P-11079-A-16119)	160.75 am (P-15604)	325.20 n (P-15200)	386.27 am (P-8219)
120.386 am (P-19445/93/W-16745)	140.485 am (P-18436/93/A-3620)	144.325 am (P-11079-A-16119)	170.50 am (P-15440/93/A-3372)	325.30 n (P-17055)	386.8 am (P-8219)
120.387 n (P-14830)	140.523 am (P-19445/93/W-16745)	144.725 am (P-11079-A-16119)	170.50 am (P-15440/93/A-3372)	325.40 n (P-17055)	386.9 am (P-8219)
120.388 am (P-19445/93/W-16745)	140.530 am (P-11088/A-16675)	144.725 am (P-11079-A-16119)	170.50 am (P-15440/93/A-3372)	325.50 n (P-17055)	386.10 am (P-8219)
120.389 am (P-19445/93/W-16745)	140.569 am (P-14851)	144.730 am (P-9298/R-18127)	170.50 am (P-15200)	325.60 n (P-17055)	386.15 am (P-8219)
120.390 am (P-19445/93/W-16745)	140.589 am (P-18059)	144.735 am (P-18059)	170.50 am (P-15200)	325.70 n (P-17055)	386.20 am (P-8219)
120.391 am (P-14830)	140.583 am (P-18788/93/A-7778)	144.82 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	325.80 n (P-17055)	386.25 am (P-8219)
121.27 n (P-1825/93/A-2033)	140.643 am (P-1825/93/A-2033)	144.82 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	325.90 n (P-17055)	386.30 am (P-8219)
121.28 am (P-1825/93/A-2033)	140.645 am (P-17865)	144.84 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.00 n (P-17055)	386.35 am (P-8219)
121.288 am (P-4575/A-12829)	140.870 am (P-11314)	144.85 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.10 n (P-17055)	386.40 am (P-8219)
121.292 am (P-7952)	140.870 am (P-11314)	144.86 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.20 n (P-17055)	386.45 am (P-8219)
121.358 am (P-15510)	140.870 am (P-11314)	144.87 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.30 n (P-17055)	386.50 am (P-8219)
121.359 am (P-15510)	140.870 am (P-11314)	144.87 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.40 n (P-17055)	386.55 am (P-8219)
121.362 am (P-15510)	140.875 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.50 n (P-17055)	386.60 am (P-8219)
121.364 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.60 n (P-17055)	386.65 am (P-8219)
121.366 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.70 n (P-17055)	386.70 am (P-8219)
121.367 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.80 n (P-17055)	386.75 am (P-8219)
121.368 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	326.90 n (P-17055)	386.80 am (P-8219)
121.369 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.00 n (P-17055)	386.85 am (P-8219)
121.370 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.10 n (P-17055)	386.90 am (P-8219)
121.371 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.20 n (P-17055)	386.95 am (P-8219)
121.372 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.30 n (P-17055)	387.00 am (P-8219)
121.373 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.40 n (P-17055)	387.05 am (P-8219)
121.374 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.50 n (P-17055)	387.10 am (P-8219)
121.375 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.60 n (P-17055)	387.15 am (P-8219)
121.376 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.70 n (P-17055)	387.20 am (P-8219)
121.377 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.80 n (P-17055)	387.25 am (P-8219)
121.378 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	327.90 n (P-17055)	387.30 am (P-8219)
121.379 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.00 n (P-17055)	387.35 am (P-8219)
121.380 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.10 n (P-17055)	387.40 am (P-8219)
121.381 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.20 n (P-17055)	387.45 am (P-8219)
121.382 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.30 n (P-17055)	387.50 am (P-8219)
121.383 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.40 n (P-17055)	387.55 am (P-8219)
121.384 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.50 n (P-17055)	387.60 am (P-8219)
121.385 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.60 n (P-17055)	387.65 am (P-8219)
121.386 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.70 n (P-17055)	387.70 am (P-8219)
121.387 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.80 n (P-17055)	387.75 am (P-8219)
121.388 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	328.90 n (P-17055)	387.80 am (P-8219)
121.389 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	329.00 n (P-17055)	387.85 am (P-8219)
121.390 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)	170.50 am (P-15291/93/A-3450)	329.10 n (P-17055)	387.90 am (P-8219)
121.391 am (P-15510)	140.885 am (P-11314)	144.88 am (P-15291/93/A-3450)</			

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